

COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS

AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT Planning and Building		(2) MEETING DATE May 9, 2006		(3) CONTACT/PHONE Kim Murry 805-781-5623	
(4) SUBJECT Requests for Amendments to Title 26, the County's Growth Management Ordinance, Title 19, the Building and Construction Ordinance and Title 22, the County Land Use Ordinance					
(5) SUMMARY OF REQUEST At today's meeting, your Board is to hold public hearings for the following amendments and take tentative action with final action occurring through subsequent adoption of the resolution and ordinances approving all amendment in the Spring General Plan Amendment Cycle on May 23, 2006. Item 1. LRP2005 -00011 - A proposal by County of San Luis Obispo to amend the Growth Management Ordinance - Title 26 to maintain the county-wide growth rate at 2.3% and the Nipomo Mesa Area rate at 1.8%, and set the Cambria growth rate at 0% and other related amendments; and Item 2 LRP2005-00006 - A proposal by County of San Luis Obispo to amend the Building and Construction Ordinance, the Land Use Ordinance and the South County Area Plan (Part II of the Land Use Element) to adopt planning area standards that would require applications to document no net increase in non-agricultural water use or provide supplemental water or pay a supplemental water development fee. Other proposed amendments would broaden the application of low water use landscape requirements and would require the inclusion of specific indoor water conservation measures in all new construction.					
(6) RECOMMENDED ACTION That the Board of Supervisors: 1. Introduce the proposed ordinances for the changes to Titles 19 and 22 (the Title 26 amendments were initially introduced on April 25, 2006). 2. Hold the public hearings on the amendments recommended for approval as set forth in the attached Exhibits subject to the findings as attached in the staff reports and take tentative action, with final action occurring through the subsequent adoption of the resolution and ordinances approving all amendments in the Spring General Plan Amendment Cycle 2006 on May 23, 2006.					
(7) FUNDING SOURCE(S) Department Budget		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): See Attached Reports					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent <input type="checkbox"/> Limited Term <input type="checkbox"/> Contract <input type="checkbox"/> Temporary Help					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. _120 minutes_) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____			(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Date: 4/25/06 Item 1 introduced
(23) ADMINISTRATIVE OFFICE REVIEW <div style="text-align: right; font-family: cursive;"> OK Leslie Brown </div>					




SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: KIM MURRY, DIVISION MANAGER
JOHN HAND, SENIOR PLANNER

VIA: PAT BECK, ASSISTANT PLANNING DIRECTOR 

DATE: MAY 9, 2006

SUBJECT: REQUESTS FOR AMENDMENTS TO TITLE 26, THE COUNTY'S GROWTH
MANAGEMENT ORDINANCE, TITLE 19, THE BUILDING AND CONSTRUCTION
ORDINANCE AND TITLE 22, THE COUNTY LAND USE ORDINANCE

RECOMMENDATION

That the Board of Supervisors:

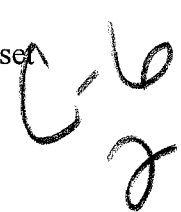
1. Introduce the proposed ordinances for the changes to Titles 19 and 22 (the Title 26 amendments were initially introduced on April 25, 2006).
2. Hold the public hearings on the amendments recommended for approval as set forth in the attached Exhibits subject to the findings as attached in the staff reports and take tentative action, with final action occurring through the subsequent adoption of the resolution and ordinances approving all amendments in the Spring General Plan Amendment Cycle 2006 on May 23, 2006.

DISCUSSION

At today's meeting, your Board is to hold public hearings for the following amendments and take tentative action with final action occurring through subsequent adoption of the resolution and ordinances approving all approved amendments in the Spring General Plan Amendment Cycle on May 23, 2006.

Item 1. The Department of Planning and Building is transmitting the attached proposed amendment to the Growth Management Ordinance (Title 26) as follows:

LRP 2005-00011 - Request by the County of San Luis Obispo to amend the Growth Management Ordinance, Title 26 of the County Code, to maintain the county-wide growth rate at 2.3% and the Nipomo Mesa Area rate at 1.8%, and set the Cambria growth rate at 0%. In addition, other changes include:



1. Redefine/refine the categories listed in the Growth Management Ordinance (i.e. single family vs. multi-family/planned development).
2. Revise the percentages reserved for each category to reflect current trends.
3. Increase the percent allowed to any one developer for projects that meet certain criteria, such as smart growth, green build, mixed use, etc.
4. For Nipomo Mesa Area, allow additional units to be allocated between the 1.8% and the 2.3% growth rate for projects that meet the criteria listed above.
5. For areas with waiting time for allotment selection of more than 18 months, allow application for an allotment once the land use permit is approved/subdivision is recorded rather than requiring full working drawings to be developed and submitted prior to application for an allotment.
6. Clarify Growth Management ordinance to include requirement of approval of any applicable land use permit in addition to full construction permit application in order to apply for allotment.
7. Update incorrect ordinance references in section 26.01.034b, 26.01.072a, 26.01.072b, and 26.01.072e.

Supervisory District: All

Discussion

This item is not subject to hearings before Planning Commission before Board action. The Department of Planning and Building recommends that your Board adopt the proposed ordinance amendments.

Item 2: The Planning Commission is transmitting the record of their meeting of March 23, 2006 to your Board for the attached proposed amendment to the Land Use Element, Land Use Ordinance and Building and Construction Ordinance as follows:

LRP2005-00006 - A proposal by the County of San Luis Obispo to adopt planning area standards that would require applications for general plan amendments and land divisions in the Nipomo Mesa Water Conservation Area to document no net increase in non-agricultural water use or provide supplemental water or pay a supplemental water development fee. Other proposed amendments would broaden the application of low water use landscape requirements and would require the inclusion of specific indoor and outdoor water conservation measures in all new construction. The proposal includes recommendations to amend the Land Use Ordinance, Title 22, the South County Area Plan and the Building and Construction Ordinance, Title 19.

On March 23, 2006, the Planning Commission considered the above referenced matter and took the following action to recommend approval of a revised amendment:

On the motion of Commissioner Gibson, seconded by Commissioner Rappa and carried with all Commissioners voting yes and in the absence of Commissioner Christie, recommending to the Board of Supervisors approval of a revised amendment to the Land Use Element, Land Use Ordinance and Building and Construction Ordinance as appears on the Exhibits LRP2005-00006:A, B and C .

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Discussion

Board of Supervisors authorization to process general plan amendments.

On November 2, 2004, the Board of Supervisors authorized the preparation of planning area standards to increase the number of projects in the Nipomo Mesa Water Conservation Area (NMWCA) subject to low water use landscape requirements and to require inclusion of specific indoor and outdoor water conservation measures for all new development in the NMWCA. On May 10, 2005, the Board authorized preparation of another planning area standard to require requests for General Plan Amendments and land divisions within the NMWCA to demonstrate either that no increase in non-agricultural water use would result from the proposed development or to provide supplemental water to offset any projected increase. For general plan amendments, "provision of supplemental water" meant that supplemental water, at the time of application, is available for delivery to the Nipomo Mesa. In the case of land divisions, "provision of supplemental water" was to be in the form of a fee to be paid at the time of building permit issuance.

Planning Commission recommendations.

Proposed amendments to the Land Use Ordinance, South County (Inland) Area Plan and Building and Construction Ordinance incorporating the revisions authorized by the Board were the subject of a Planning Commission public hearing on March 23, 2006. The Planning Commission makes the following recommendations:

1. Development on lots within the Nipomo Mesa Water Conservation Area (NMWCA) should be required to use water efficient landscape standards, and to incorporate specific indoor and outdoor water conservation measures. Indoor conservation measures consist of automatic shut-off devices for kitchen and bathroom faucets. Outdoor conservation measures include limitations on the size of landscaped areas and the amount of turf area and a requirement that the water-efficient irrigation system include certain specific components. The requirement for inclusion of specific indoor conservation measures is included as an amendment to Title 19, the Building and Construction Ordinance. See attached Exhibit LRP2005-0006C. The amendment that would require inclusion of specific outdoor conservation measures is included as an amendment to Title 22, the Land Use Ordinance. See attached Exhibit LRP2005-0006:A.
2. General plan amendments and land divisions within the NMWCA that would increase the use of groundwater should be approved only if supplemental water is available for delivery to the Nipomo Mesa and a portion of the supplemental water has been allocated to the development resulting from the amendment or division. To determine whether an increase in water demand would result, applications for general plan amendments and land divisions within the Nipomo Mesa Water Conservation Area (NMWCA) should be required to provide documentation that estimates non-agricultural water demand for the proposed land division or development that would be allowed under the new land use category. The demand is required not to exceed the estimated non-agricultural demand without the requested amendment or land division or supplemental water would need to be provided.

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If the documentation of non-agricultural water demand indicates that the demand following the proposed amendment or land division will not exceed the existing demand, the amendment or land division may continue the approval process. If the proposed water demand will exceed existing demand:

A general plan amendment may not be authorized for processing unless supplemental water is available for delivery to the NMWCA and supplemental water to off-set the increase in demand has been specifically allocated for the exclusive use of the development resulting from the general plan amendment, and;

A land division may not be approved unless supplemental water is available for delivery to the NMWCA and the applicant agrees that a supplemental water development fee will be paid for each dwelling unit or dwelling unit equivalent resulting from the land division, at the time of building permit issuance, in the amount then imposed by county ordinance.

3. Development of existing lots that would increase non-agricultural water demand within the NMWCA should also be subject to the supplemental water development fee.

The county would collect the fee and the fee would be transferred to the agency responsible for implementing a supplemental water project - presumably, the Nipomo Community Services District. Determination of the amount of the fee and the process for adopting the fee are governed by AB 1600, which requires that any such fee must be based upon the principle that the fee must not exceed the estimated, reasonable cost of the project's proportionate share of the proposed facility. Typically, these estimates are prepared by a consultant with expertise in the estimation of costs of capital projects. Based on discussions with the consultant who prepared the supplemental water cost estimate for the Nipomo CSD, it appears that consultant costs to establish the county's supplemental water development fee would be less than \$25,000. The fee, itself, would not exceed \$13,000 per residential unit or residential equivalent.

Since the exact amount of the fee has not yet been determined, the Planning Commission recommends an implementation process consisting of three phases:

Phase 1: An amendment to the South County Area Plan creating a service program calling for the county to conduct an AB 1600 process to determine the amount of the supplemental water development fee;

Phase 2: budget for and retain a consultant to determine the fee;

Phase 3: adopt the fee and include the requirement to pay the fee as an amendment to Title 19.

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The requirements regarding the processing and approval of general plan amendments and land divisions are included in an amendment to Title 22, the Land Use Ordinance. See attached Exhibit LRP2005-0006A. Declaration of the county's intent to determine the amount of the supplemental water development fee and to adopt an ordinance requiring payment of the fee is included in an amendment to Title 23, South County Area Plan. See attached Exhibit LRP2005-0006:B.

Difference between the Board authorization and Planning Commission recommendation.

The Board's original intent was to treat land divisions differently than general plan amendments. Land divisions could be processed and approved, even though there would be an increase in water demand, as long as resulting development would pay the supplemental water development fee. Construction could take place upon payment of the fee, without waiting until supplemental water was actually available. The Planning Commission recommends that land divisions be treated the same as general plan amendments with respect to the processing of applications. As with general plan amendments, land divisions would not be accepted for processing unless supplemental water were actually available.

Also, the Board's authorization did not include a requirement that building permits for construction on existing lots of record pay a supplemental water development fee. The Planning Commission recommends that they, also, be subject to the fee.

OTHER AGENCY INVOLVEMENT/IMPACT

As detailed in attached staff reports.

FINANCIAL CONSIDERATIONS

The proposed general plan and ordinance amendments are covered by the Department budget as county-initiated amendments

RESULTS

Tentative approval of any of the applications will allow the amendments to become effective in 30 days or on the date specified in the adopting ordinance. Denial of the applications will mean no change will occur.

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AMENDMENTS TO TITLE 26, THE COUNTY'S GROWTH MANAGEMENT ORDINANCE, TITLE 19, THE BUILDING AND CONSTRUCTION ORDINANCE AND TITLE 22, THE COUNTY LAND USE ORDINANCE - SPRING GPA CYCLE 2006

ITEM 1: **LRP 2005-00011** - Request by the County of San Luis Obispo to amend the Growth Management Ordinance, Title 26

ATTACHMENT 1-A: Staff Report to the Board of Supervisors

ATTACHMENT 1-B: Recommended amendments showing struck and new text

ATTACHMENT 1-C: Proposed Findings

ATTACHMENT 1-D: Addendum to the Final EIR for the Growth Management Ordinance Amendments

ATTACHMENT 1-E: Final Environmental Impact Report for the Growth Management Ordinance Amendments (Clerk's File)

ITEM 2: **LRP2005-00006** - A proposal by the County of San Luis Obispo to adopt planning area standards that would require applications for general plan amendments and land divisions in the Nipomo Mesa Water Conservation Area to document no net increase in non-agricultural water use or provide supplemental water or pay a supplemental water development fee.

ATTACHMENT 2-A: Resolution from the Planning Commission describing the Planning Commission's action on the item (modification of staff's recommendation).

ATTACHMENT 2-B: Draft Planning Commission minutes from the March 23, 2006 meeting.

ATTACHMENT 2-C: Staff report to the Planning Commission

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ITEM 1

LRP 2005-00011 - County of San Luis Obispo
Amend Growth Management Ordinance

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ATTACHMENT 1-A

Staff report to the Board of Supervisors

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: KIM MURRY, PRINCIPAL PLANNER

VIA: PAT BECK, ASSISTANT DIRECTOR OF PLANNING AND BUILDING

DATE: MAY 9, 2006

SUBJECT: LRP2005-00011: Request by the County of San Luis Obispo to amend the Growth Management Ordinance, Title 26 of the County Code, to maintain the county-wide growth rate at 2.3% and the Nipomo Mesa Area rate at 1.8%, and set the Cambria growth rate at 0%. In addition, other changes include:

1. Redefine/refine the categories listed in the Growth Management Ordinance (i.e. single family vs. multi-family/planned development).
 2. Revise the percentages reserved for each category to reflect current trends.
 3. Increase the percent allowed to any one developer for projects that meet certain criteria, such as smart growth, green build, mixed use, etc.
 4. For Nipomo Mesa Area, allow additional units to be allocated between the 1.8% and the 2.3% growth rate for projects that meet the criteria listed above.
 5. For areas with waiting time for allotment selection of more than 18 months, allow application for an allotment once the land use permit is approved/subdivision is recorded rather than requiring full working drawings to be developed and submitted prior to application for an allotment.
 6. Clarify Growth Management ordinance to include requirement of approval of any applicable land use permit in addition to full construction permit application in order to apply for allotment.
 7. Update incorrect ordinance references in section 26.01.034b, 26.01.072a, 26.01.072b, and 26.01.072e.
- Supervisory District: All

RECOMMENDATION

Hold a public hearing on the proposed ordinance amendments and take tentative action to:

1. Certify the Environmental Impact Report Addendum (dated April 2006) for the Growth Management Ordinance amendments; and
2. Adopt the CEQA findings pertaining to the proposed amendments, and the statement of overriding considerations found in Attachment 1-C; and
3. Adopt the amendments to Title 26, Growth Management Ordinance provided in Attachment 1-B; and

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Direct staff to return on May 23, 2006 for final action and to complete related administrative changes and provide public information regarding the changes in preparation for the change beginning July 1, 2006.

DISCUSSION

Every year, your Board considers the Growth Management Ordinance to set the growth rate for the upcoming year and to address changes that may be appropriate. In May, 2005, your Board made changes to the ordinance for the Nipomo Mesa area to drop the allowed growth rate from 2.3 % to 1.8% to address resource availability concerns and the lagging timing of solutions to some of those issues. Potential changes to the Growth Management Ordinance were considered at a study session before your Board on February 28, 2006. At that time, public testimony was considered and staff was directed to return on May 9, 2006 with ordinance changes and the appropriate environmental review for the recommendations that were considered. Those proposals are discussed individually below.

Environmental review included use of the previously certified Final Environmental Impact Report for the Growth Management Ordinance amendments (April 2005) and an Addendum to that report. The proposed changes to definitions and category percentages did not result in additional growth and therefore did not necessitate the higher level of review indicated by the proposal to increase numbers of allotments. The discussion of environmental review is included in the review of proposal #4 for this reason.

1. Redefine/refine the categories listed in the Growth Management Ordinance (i.e. single family vs. multi-family/planned development) - Changes to the definition of "Planned Development"

The existing ordinance includes all cluster developments as part of the definition for "Planned Development" which has led to some unintended consequences. There are developments that are proposed for properties with zoning that mandates larger parcel sizes that cluster to avoid environmental or natural resources on the property. These types of development should not be included in the Multi-family/Planned Development category.

Staff recommendation: *Amend the definition of "Planned Development" to include only those cluster developments that occur within urban and village reserve lines.*

Mixed use development where residential units are included with commercial or office uses is not specifically defined. Procedurally, staff has been including those uses in the Multi-family/Planned Development category due to the density and type of development that results from these projects.

Staff recommendation: *That mixed-use projects be described under the Multi-family/Planned Development category.*

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2. Revise the Percentages reserved for each Category

The demand for allotments over the last five years has been increasingly for multi-family/planned development projects. While the ordinance allows for adjustments between categories, it specifies that adjustments to the categories occur only if there are unused allotments. Since it is difficult to predict when the demand for allotments in each category will end, staff adjusts the allotments in each category at limited intervals: typically in January and in June. Having percentages initially reserved for each category that more closely reflect the demand will provide a more efficient flow to those requesting allotments.

Staff recommendation: *That initial percentages reserved for Category 1 and Category 2 be changed to 65% for Single Family (from the existing 80%) and 35% for Multi-family/Planned Development (from the existing 20%).*

3. Increase the percent allowed to any one developer for projects that meet certain criteria, such as smart growth, green build, mixed use, etc.

Currently, the ordinance allows a maximum of 5% of the allotments on a county-wide basis and 10% of the allotments for the Nipomo Mesa area to be secured by any one person/developer. For the county-wide area, this results in approximately 63 units per year to any one developer. However, due to the limited numbers of allotments available for the Nipomo Mesa area, this results in only 12 units per year to any one developer in this subset area. There are certain types of projects that are beneficial to the community or meet needs that have been identified in the Housing Element or the South County Circulation Study. For these types of projects, staff is proposing that a higher percentage of allotments be available in order to encourage and allow more timely development of these uses. This would enable a developer of a project with more than 12 units to be able to secure allotments for more (or all) of the units proposed with the project in any one year.

Staff recommendation: *That up to 20% of allotments be available to projects that have received intent-to-serve letters from the applicable water district and meet criteria listed below:*

- 1. Projects that meet criteria as a Smart Growth, Senior Housing, Mixed Use, Green Build (equivalent to LEED certified); or*
- 2. Projects that guarantee long term affordability for at least 35% of the units in accordance with County Ordinance; or*
- 3. Projects that will result in the completion of construction of sections of road improvements identified on the South County Circulation Study Road Improvement list.*

4. For Nipomo Mesa Area, allow additional units to be allocated between the 1.8% and the 2.3% growth rate for projects that meet the criteria listed above.

The growth rate in Nipomo was lowered last year to formally recognize the resource constraints being experienced in the area. The impact of this lower growth rate (it reduced the available allotments from 160 in 2004-2005 to 122 units available for 2005-2006) has been to further delay timing of the projects that fit within the Multi-family/planned development category. Since any one developer may only obtain 10% of the allotments for the area, this means that only 12 units per year may be accumulated for a project.

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The county recently approved several projects that meet the smart growth goals in the community and will substantially benefit circulation improvements for the community (including several mixed-use and live-work projects). The project applicants have indicated that unless these projects are somehow given the ability to accumulate more allotments per year, there is a distinct possibility that these projects will never get built. Applicants have indicated that the financial costs of the land use/subdivision process along with the holding costs of the land for 4-6 years after approval until enough allotments have been amassed to build the project make it infeasible for most developers to proceed. However, giving priority to these identified projects within the existing limited supply of allotments means that other projects on the list will be delayed.

In February, your Board directed staff to explore an option to "capture" some of the previously unused allotments to make up the difference between the 1.8% and the 2.3% to encourage these desirable projects without affecting the timing for the remainder of the projects currently on the waiting list in the community.

Environmental Determination: The EIR that your Board certified on April 4, 2006, considered, among other things, the continued growth rate for the Nipomo Mesa area at 2.3%. The EIR identified several significant impacts associated with continued growth in Nipomo and included several mitigation measures to offset these impacts. The main impacts discussed related to water resource and traffic impacts. There are several items in motion to address both issues. There are Land Use Ordinance amendments for the South County Area Plan standards to require water conservation measures that are being considered at this same hearing. Incorporation and implementation of these measures will reduce water consumption impacts. In addition, a supplemental water source is being pursued with progress being made on the agreements and legal structure needed in order to make bringing supplemental waters to the Mesa area a reality.

The county Public Works Department is working to prioritize improvements identified in the South County Circulation Study (such as realignment of Frontage Rd, construction of Mary Ave, Improvements to various freeway ramps, and intersection and widening improvements for Tefft St and Oakglen) that will improve the level of service issues for Tefft Street. The additional allotments that are proposed to be available to the Nipomo Mesa area will be identified for those projects that, by nature, have a lower traffic impact (i.e. Smart Growth, Senior Housing, mixed use) and for those projects that will actually construct pieces of the improvements required to address the traffic issues. While the construction of the improvements will bring the level of service to a more acceptable level, there may be a timing gap between allotment availability and construction of traffic improvements.

Staff recommendation: *That an additional 35 allotments be available to projects in the Nipomo Mesa area that have received intent-to-serve letters from the applicable water district and meet criteria listed below:*

1. *Projects that meet criteria as a Smart Growth, Senior Housing, Mixed Use, Green Build (equivalent to LEED certified); or*
2. *Projects that guarantee long term affordability for at least 35% of the units in accordance with County Ordinance; or*
3. *Projects that will result in the completion of construction of sections of road improvements identified on the South County Circulation Study Road Improvement list.*

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Staff is currently finalizing development of a checklist to identify which projects would qualify under Smart Growth criteria. While this checklist is still in draft form, it is attached for your reference to this report. The checklist is not proposed to be codified with the ordinance amendments but rather will be an administrative guide for use with the ordinance. The checklist has been circulated in draft form and the next step is to incorporate comments from members of the construction industry and advisory groups. We expect the final version to be ready for use by July 1, 2006.

Staff is also reviewing criteria for Green Build. The LEED program (Leadership in Energy and Environmental Design) contains criteria, a checklist, and a rating system for certifying commercial buildings however, the same certification process has not been developed for residential buildings. Information regarding LEED, Green Build and Low Impact Development standards is attached at the back of this staff report. Staff is proposing that if your Board supports including Green Build as one of the project categories that would qualify for additional units, a checklist similar to the draft Smart Growth checklist would be developed for use in screening projects.

5. For areas with waiting time for allotment selection of more than 18 months, allow application once the land use permit is approved/subdivision is recorded.

The current ordinance requires full construction drawings to be presented at the time an applicant requests an allotment. This requirement works very well to discourage speculation and use of allotments by those who are not really ready to proceed. This requirement does not work well in situations where there is a waiting list and the applicant would be required to develop full construction drawings for a project where allotments may not be available for several years. For areas with waiting lists, this requirement results in an investment of time and resources to develop the construction plans, and the plans may not meet the correct building codes at the point where allotments become available. While staff does not want to abandon the requirement of full plans for those situations where allotments are available, we are recommending that if allotments are not available for the project being proposed within an estimated 18 month time period, that application for allotments be allowed without the required construction drawings.

Staff recommendation: *That allotments be accepted without full construction drawings in areas where there is an estimated waiting time of 18 months or more.*

6. Clarify Growth Management ordinance to include requirement of approval of any applicant land use permit in addition to full construction permit application in order to apply for allotment.

And

7. Update incorrect ordinance references in section 26.01.034b, 26.01.072a, 26.01.072b, and 26.01.072e.

There are several citations in the current ordinance that need to be corrected. In addition, the section that requires a complete construction permit application and plans to be submitted when applying for an allotment fails to specify that any required land use permits must also be completed. While Title 19, The Building Ordinance, specifies this requirement, proposed wording in Title 26 would make this requirement explicit and consistent with Title 19.

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Staff recommendation: *That these clean-up items be accomplished as part of this year's changes to the Growth Management Ordinance.*

Cambria Area requests for allocations

Through the recent update to the North Coast area plan, the Planning Commission received testimony that accepting allocation requests for the Cambria area was confusing to applicants and created potentially false expectations for service. The recommendation was to set the growth rate at 0% in order to discontinue the stock-piling of allocation requests that could potentially be selected at the time the moratorium is lifted. In addition, the recommendation was to not accept further allocations for the growth management waiting list in Cambria due to the potential for misunderstanding and expectations of service.

Staff recommendation: *That the growth rate for Cambria be set at 0% and that allocation requests will only be accepted if accompanied by an intent-to-serve letter from the Cambria Community Services District.*

Carryover of Unused Allotments

Every year, your Board considers carryover from the previous year's unused allotments. Setting the ordinance growth rate at 2.3% would result in 988 units available for fiscal year 06-07. Of the 1,101 allotments available for 05-06, there are still 511 units available for use as of April 26, 2006. Carryover of 10% of the total allotments from last year would allow 110 units in addition to the 988 units available for the upcoming year.

Staff recommendation: *Staff is looking for Board direction regarding carryover of unused allotments. If your Board determines that you wish to provide for this carryover (resulting in an additional 110 units for 2006-2007), staff will return with the resolution to do so at the May 23, 2006 meeting.*

OTHER AGENCY INVOLVEMENT/IMPACTS

These amendments and draft Smart Growth criteria were referred to all community advisory groups, the Home Builders Association, interested agencies and development groups. At the point of finalization of this staff report, written comments have been received from the Home Builders Association of the Central Coast.

Staff was in attendance at the April 24, 2006 South County Advisory Council meeting when the proposed changes were considered and discussed. After a spirited and lengthy discussion, the council voted to recommend disapproval of a majority of the recommended changes due to concerns of resource and traffic constraints. The majority of the council expressed discomfort with the idea of the Smart Growth Criteria, Green Build criteria, Senior housing, etc. and indicated that the category labels were not well-defined enough for them to feel comfortable supporting either the additional allotments or the additional percentage to any one developer. Many comments were made indicating a discomfort in general of some of the items considered as Smart Growth such as more dense residential development and smaller residential units. The one proposed change that was supported was the ability of an applicant to request an allotment and get on the waiting list without a full set of construction drawings when a waiting list is 18 months or more in length. The council also expressed a desire to see commercial development in the Olde Towne Nipomo area encouraged and supported but did not support additional units above the .8% growth rate for this area to do so.

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The Home Builders Association has submitted a letter dated Wednesday April 9, 2006 in response to the proposed changes. While the Association is supportive of the proposed changes, concerns are still expressed about the time limits associated with approval of land use permits and subdivisions. The Home Builders Association is concerned about how the Growth Management Ordinance affects a developer's ability to meet the time constraints of a land use permit when it may take years for allotments to be available for a project and then several more years to accumulate enough allotments to be able to build the project at one time. The letter is attached for your review.

FINANCIAL CONSIDERATIONS

No financial impacts to the current county budget.

RESULTS

Discussion of these amendments will allow them to be heard on May 9, 2006 (with final action occurring on May 23rd) and become effective on July 1, 2006, making provisions for residential growth in the county. This links to the identified County-wide goal of a Well-Governed Community.

C/b
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providing quality housing and communities

Wednesday, April 26, 2006

Supervisor Katcho Achadjian
Chairman of the Board of Supervisors
1055 Monterey St.
San Luis Obispo, Ca.

Dear Chairman Achadjian and fellow supervisors:

The Home Builders Association of the Central Coast appreciates the substantial and thoughtful efforts that the Board of Supervisors and county staff have dedicated toward fixing problems the Growth Management Ordinance is causing in Nipomo.

The association supports the proposed changes you are considering, but has a few suggested improvements.

As you know, the problem is not enough residential building permits have been available in a timely and economically viable fashion for multi-family housing in Nipomo – apartments, duplexes and triplexes, senior housing, condominiums, and mixed-use projects. Overall, county staff has pinpointed the problems and proposed changes so the ordinance will be a smaller hurdle for the multi-family developments that embody the smart growth and green build concepts San Luis Obispo County has been encouraging.

The building industry sees smart growth as a component of good planning. However, over relying on higher-density urban infill projects will simply change problems. Too much smart growth increases neighborhood opposition. That not-in-my-backyard attitude results in needlessly lowering the density of infill projects, making all housing more expensive to build, buy or rent.

Good planning blends higher-density infill housing with orderly single-family development along the existing urban edge. Polls show that almost 70 percent of today's home buyers don't want to live in the urban core or higher-density housing. They prefer a single-family home in the suburbs with a backyard for their children to play in. If they cannot find that home near their jobs, they commute, producing more freeway traffic congestion, air pollution and the very sprawl that smart growth proposes to stop. The key to smart growth working in Nipomo and the Growth Management Ordinance is to make more permits available for multi-family housing without dramatically lowering the number of single-family permits.

The proposed solution accomplishes that balancing act. It will divide the building permits now available in Nipomo so 35 percent (45 units in 2006-07) are set aside for multi-family homes instead of the 20 percent (25 units) that have been previously allocated. The proposal would also return Nipomo to the standard 2.3 percent growth rate that applies to most of the unincorporated area and make 35 additional permits available. Those permits would only go to multi-family projects that met county smart growth and green build voluntary guidelines. Those changes would raise the total residential permits available in Nipomo to 162 permits and split them evenly between single-family and multi-family housing.

Making the additional 35 permits only available to projects that met county smart growth or green build guidelines would promote projects designed to avoid sprawl and to minimize impacts on traffic, energy

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usage, and other resources by growing more inside the urban core. The home building industry looks forward to working with the county to develop guidelines that will achieve the most overall environmentally friendly and cost-effective criteria to protect our quality of life without making housing unnecessarily more expensive to build. The Home Builders Association and SLO Green Build have reached a memorandum of understanding that should be part of the standards the county will use to measure green build projects.

If the county has concerns about raising the growth limit back to the 2.3 percent level, the supervisors could decide that projects that met the smart growth/green build criteria wouldn't count against the growth limit.

Whichever option you choose to increase the multi-family permits, you will also need to increase the number of permits individual projects can receive annually. The staff proposes increasing it to 20 percent, from today's 10 percent limit, for projects that meet the smart growth/green build guidelines. Multi-family projects usually involve common-wall construction and often cannot begin construction until they have all their building permits. Given the 10 percent limit per builder, many desirable projects face waiting 10 years to begin construction since the applicants can only obtain 12 permits a year now. The recommendation to allow individual builders 20 percent of the yearly total will improve this, but will still leave some projects waiting too long. They will no longer make financial sense. The applicant will have to propose something else.

We also support the staff recommendation to stop counting clustered single-family developments outside the urban or village reserve lines as multi-family projects. We recommend the county also stop making single-family planned developments and projects with specific plans compete for multi-family permits. Common sense suggests that only multi-family projects should be treated under multi-family rules.

Even with these changes, the association believes some projects will wait years between approval and getting building permits. We recommend that any approved project that can't pull all needed building permits because of growth limits be exempted during that time period from needing discretionary extensions on approved permits, maps, etc. They should be granted extensions automatically.

We initially suggested that any approved project that had to wait more than 12 months to get building permits because of growth management should be allowed on the allocation waiting list without having to submit working drawings. The staff proposed only allowing that to happen if the waiting list hit 18 months. We were concerned that applicants could spend \$150,000 or so for drawings that wouldn't be usable because building requirements could change while they waited. However, we have reconsidered that position and now feel that we could support the staff proposal of 18 months.

We recognize that the Board of Supervisors annually renews the growth management limit as part of a process that makes sure new developments occur apace with the infrastructure and such resources as water needed to serve them. Home builders work five years or more ahead, planning projects and shepherding them through the approval process. We avoid proposing projects that won't get permits in time to become financially feasible. We encourage you to make changes that will make the development review process more certain and streamlined, not more unpredictable and time consuming than it already is.

Thank you very much for your time and consideration.

Sincerely yours,

Jerry Bunin
Government Affairs Director
Home Builders Association of the Central Coast

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DRAFT SMART GROWTH CRITERIA CHECKLIST

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Smart Growth Criteria for Development Projects

*"Smart growth is the way to grow the economy, preserve the environment and have healthy communities without sacrificing the quality of life for future generations. Smart growth is the planning side of sustainable development."
Christine Todd Whitman, Chief Administrator, Environmental Protection Agency, former Governor of New Jersey.*

There is a growing call for new tools to help deal with the challenges will be confronting us as a region over the next several decades. We face a serious shortage of affordable workforce housing, our economic strength is threatened, our major roadways are becoming more congested, and our open space and natural resources are threatened by continued sprawl into rural areas. On June 7, 2005 the Board of Supervisors endorsed the "Guiding Principles of Smart Growth". The Board endorsed these principles "with the intent of engaging in implementing actions, programs and projects to succeed in achieving the principles." Since that time, widespread acceptance and implementation of these principles is occurring and the team "Smart Growth" is becoming accepted vernacular for decision-makers as they review projects.

The term "Smart Growth" was coined by the State of Maryland in 1990 to guide governance that respects and coordinates economics, the environment and social equity (the three "E's"), to create sustainable growth. The concept of sustainability has risen from Native American cultures as an important governing principle itself, which is to aim to meet the needs of current generations without compromising future generations' ability to meet their own needs, that is to think long term in decision-making. The United States Environmental Protection Agency endorses and promotes Smart Growth as a way of bringing together traditionally opposing interests to improve community quality of life while at the same time improving the environment and the economy.

Smart Growth principles address current development patterns that are often dominated by what many call "sprawl," or low density, automobile-oriented development. Typical land development policies and ordinances are often at odds with Smart Growth. It is becoming clear that these patterns are no longer in the long-term interest of our communities, cities, suburbs, and agricultural areas. In response, Smart Growth policies draw upon the successful models of the past and present, and plan for growth that will more successfully serve the present and future population.

One action that implements the concept of Smart Growth is a priority processing system for Smart Growth-rated projects. This system is being prepared as a pilot program by county Planning staff. It allows expedited processing of land use, land division and building permits for projects that include features attributed to Smart Growth principles. Attached are draft criteria that projects would be evaluated against to determine if projects possess Smart Growth principles and therefore qualify for priority processing. Projects that qualify for expedited processing will not receive any less scrutiny for compliance with land use or environmental regulations. Examples of Smart Growth principles include developments that contain a variety of smaller and standard lot sizes with large common open areas, internal connectivity, densities that achieve intended zoning standards, smaller home sizes and close proximity to transit routes, shopping and other services.

The projects that qualify for expedited processing are those that give priority for resources and services to compact, life-enriching, healthy neighborhoods and commercial development, compared to low-density development that sprawls all over the rural areas of our county.

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Draft Smart Growth Criteria for Priority Processing

In addition to acquiring the required number of points detailed on the following pages, each development must have the following characteristics in order to qualify for priority processing:

- ☐ Within a Urban Reserve Line or Village Reserve Line served by community water and sewer
- ☐ Provides for logical, attractive and safe pedestrian circulation within the site - At minimum, all units have direct access to common open area (where applicable) and commercial areas (where applicable) via pedestrian route where automobile access has minimum impact on the pedestrian experience (ie, not via a driveway)
- ☐ Provides for logical, attractive and safe pedestrian and bicycle connections from the site to adjacent facilities - At minimum, all units connect to nearby parks, open space, public streets, transit stop, and/or commercial area (where applicable) via pedestrian route, automobile access has minimum impact on the pedestrian experience (ie, not via a driveway), and there are pedestrian links between the end of cul-de-sacs and an adjacent cul-de-sac or between a cul-de-sac and larger pathway system.
- ☐ Development protects, preserves, and/or restores important on-site natural features where applicable (i.e. wetlands, riparian corridors, watersheds, steep slopes, oak trees). Development buffers on and off-site natural features.

In order to qualify for priority processing, all projects within the Residential Multi-Family, Commercial Retail, or Office/Professional land use categories must incorporate the following essential components of Smart Growth development. Please explain how your project meets each of the following:

- ☐ Buildings are arranged to provide usable and easily accessible private outdoor living spaces. Please explain:
- ☐ Buildings are arranged to provide usable and centrally located common areas. Please explain:
- ☐ Building arrangement also maximizes the use of natural lighting, solar access and to the extent feasible implements sustainable site drainage concepts. Please explain:
- ☐ Buildings exhibit high quality architectural design consistent with local community design plans if applicable and take into account the neighborhood context in terms of building scale, style and site planning. Please explain:
- ☐ Building design reflects local historic building type in the community. Please explain:
- ☐ Treatment of façade breaks down massing, articulates depth, and defines the street edge for pedestrians. Please explain:
- ☐ Scale and mass of buildings relate to neighborhood. Please explain:



All projects within the Residential Single Family land use category must incorporate project characteristics in order to achieve at least 12 points.

<i>Possible Points</i>	<i>Criteria</i>	<i>Points Earned</i>
2	Project is within ¼ mile walking distance of any of the following: food/convenience store, retail/services, schools, daycare, recreation centers	
1	Project is located within ¼ mile walking distance of an existing transit stop or proposes a transit stop	
3	All lots of 6,000 square feet or larger provide for secondary dwellings	
3	Average lot size is 4,000 square feet or less	
3	Common area is provided at a minimum of 200 square feet per unit consisting of tables, benches, and shade provided by structures or landscaping	
2	At least 75% of garages are located at least five feet behind the front of the house	
3	15% of units are very low or low income affordable; or 20% of units are moderate income affordable; or 30% of units are middle income affordable	
1	Setbacks are varied on the street. Each group of three adjacent houses contain at least one house whose front yard setback differs from those of its neighbors by a minimum of 7 feet.	
1	All buildings with street frontage shall face the street with visible entrances.	
1	Creates a continuation of the existing neighborhood. Development provides a series of through street connections within the site that connect to other through streets in the surrounding area.	
2	Streets continue the existing grid pattern of the neighborhood.	
1	All new streets are the minimum allowable width	
1	Solar access considered in the site design (quantify – Templeton, countywide design)	
1	Site design maximizes solar access to all buildings.	
1	Exceeds California Energy Code by at least 20%	
1	All landscaping is irrigated through drip irrigation.	
1	All pedestrian walkways are landscaped and illuminated with pedestrian scaled elements.	
TOTAL		

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All projects within the Residential Multi-Family land use category must incorporate project characteristics in order to achieve at least 15 points.

Possible Points	Criteria	Points Earned
3	Must provide one of the following:	
3	Density greater than or equal to 20 units/useable acre; or	
	Density greater than or equal to 90 percent of the maximum density allowed by ordinance; or	
2	Density greater than or equal to 15 units/ gross acre	
2	Project is within ¼ mile walking distance of any of the following: food/convenience store, retail/services, schools, daycare, recreation centers	
1	Project is located within ¼ mile walking distance of an existing transit stop or proposes a transit stop	
2	Provides common facilities such as day care facilities, senior or teen centers, cultural facilities	
2	Common area is provided at a minimum of 200 square feet per unit consisting of tables, benches, and shade provided by structures or landscaping	
2	Private open space is provided for each unit at a minimum of 6 feet by 8 feet in size	
3	15 percent of the units are no larger than 900 square feet	
2	10 percent of the units are one bedroom or studio units	
3	15% of units are very low or low income affordable; or 20% of units are moderate income affordable; or 30% of units are middle income affordable	
1	Parking is placed in below grade structures, individual garage structures, or behind buildings.	
1	All buildings with street frontage shall face the street with visible entrances.	
1	Creates a continuation of the existing neighborhood. Development provides a series of through street connections within the site that connect to other through streets in the surrounding area.	
1	All new streets are the minimum allowable width	
1	Solar access considered in the site design (quantify – Templeton, countywide design)	
1	Site design maximizes solar access to all buildings.	
1	Exceeds California Energy Code by at least 20%	
1	All landscaping is irrigated through drip irrigation.	
1	All pedestrian walkways are landscaped and illuminated with pedestrian scaled elements.	

TOTAL

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All projects within the Commercial Retail or Office/Professional land use categories must incorporate project characteristics in order to achieve at least 15 points.

<i>Possible Points</i>	<i>Criteria</i>	<i>Points Earned</i>
2	Located within a CBD	
1	Located within 1,000 feet of a CBD	
2	Project is within ¼ mile walking distance of any of the following: food/convenience store, retail/services, schools, daycare, recreation centers	
1	Project is located within ¼ mile walking distance of an existing transit stop or proposes a transit stop	
3	Density is greater than or equal to 10 units per acre	
1	Density is greater than or equal to 7 units per acre	
3	15 percent of the units are no larger than 900 square feet	
2	10 percent of the units are one bedroom or studio units	
2	Provides common facilities such as day care facilities, senior or teen centers, cultural facilities	
2	Common area is provided at a minimum of 200 square feet per unit consisting of tables, benches, and shade provided by structures or landscaping	
2	Private open space is provided for each unit at a minimum of 6 feet by 8 feet in size	
2	10% are live / work units	
3	15% of units are very low or low income affordable; or 20% of units are moderate income affordable; or 30% of units are middle income affordable	
1	Parking is placed in below grade structures, individual garage structures, or behind buildings.	
1	All buildings with street frontage shall face the street with visible entrances.	
1	Creates a continuation of the existing neighborhood. Development provides a series of through street connections within the site that connect to other through streets in the surrounding area.	
1	All new streets are the minimum allowable width	
1	Site design maximizes solar access to all buildings.	
1	Exceeds California Energy Code by at least 20%	
1	All landscaping is irrigated through drip irrigation.	
1	All pedestrian walkways are landscaped and illuminated with pedestrian scaled elements.	
TOTAL		

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**EXAMPLES OF GREEN BUILD CRITERIA
(LEED CERTIFIED, GREENBUILD, LOW IMPACT DEVELOPMENT)**

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LEED®-CI

Green Building Rating System For Commercial Interiors

Version 2.0

Updated June 2005
November 2004

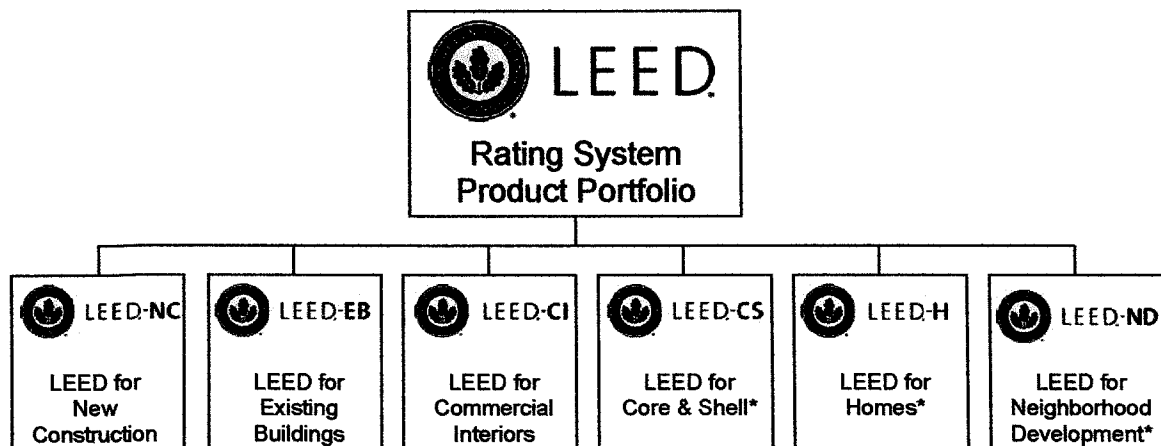
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Leadership in Energy and Environmental Design (LEED®)

Buildings fundamentally impact people's lives and the health of the planet. In the United States, buildings use one-third of our total energy, two-thirds of our electricity, one-eighth of our water, and transform land that provides valuable ecological resources. Since the LEED Green Building Rating System for New Construction was first published in 1999, it has been helping professionals across the country to improve the quality of our buildings and their impact on the environment.

As the green building sector grows exponentially, more and more building professionals, owners, and operators are seeing the benefits of green building and LEED certification. Green design not only makes a positive impact on public health and the environment, it also reduces operating costs, enhances building and organizational marketability, potentially increases occupant productivity, and helps create a sustainable community. LEED fits into this market by providing rating systems that are voluntary, consensus-based, market-driven, based on accepted energy and environmental principles, and they strike a balance between established practices and emerging concepts.

The LEED rating systems are developed by USGBC committees, in adherence with USGBC policies and procedures guiding the development and maintenance of rating systems. LEED-CI is only possible due to the generous volunteer efforts of many individuals, and has been in development for over 4 years. This rating system was approved by member ballot during October 2004 after considering input from the public during two comment periods. LEED-CI is one of a growing portfolio of rating system products serving specific market sectors.



**Under development as of June 2005*

LEED for Commercial Interiors

The LEED-CI Rating System is applicable to tenant improvements of new or existing office space.

Why Certify?

While LEED Rating Systems can be useful just as tools for building professionals, there are many reasons why LEED project certification can be an asset:

- Be recognized for your commitment to environmental issues in your community, your organization (including stockholders), and your industry;
- Receive third party validation of achievement;
- Qualify for a growing array of state & local government initiatives;

- Receive marketing exposure through USGBC Web site, Greenbuild conference, case studies, and media announcements.

Certification Process

Project teams interested in obtaining LEED certification for their project must first register online. Registration during early phases of the project will ensure maximum potential for certification. The LEED Web site, www.usgbc.org/leed, contains important details about the certification review process, schedule and fees. The applicant project must satisfactorily document achievement of all the prerequisites and a minimum number of points. See the LEED-CI project checklist for the number of points required to achieve LEED-CI rating levels.

Additional LEED Resources

Visit the LEED Web site for available tools and support, such as the LEED-CI Reference Guide (essential for all LEED-CI project teams), technical support via Credit Interpretations, and training workshops.

Disclaimer and Notices

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LEED® for Commercial Interiors

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Credit 1	Innovation in Design	73
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LEED-CI Project Checklist

Sustainable Sites

7 Possible

Points

SSc1	Site Selection	3
	Select a LEED Certified Building (3 points)	
	Or locate the tenant space in a building with the following characteristics:	
	A. Brownfield Redevelopment (½ point)	
	B. Stormwater Management: Rate and Quantity (½ point)	
	C. Stormwater Management: Treatment (½ point)	
	D. Heat Island Reduction, Non-Roof (½ point)	
	E. Heat Island Reduction, Roof (½ point)	
	F. Light Pollution Reduction (½ point)	
	G. Water Efficient Irrigation: Reduce by 50% (½ point)	
	H. Water Efficient Irrigation: No Potable Use or No Irrigation (½ point in addition to prior requirement)	
	I. Innovative Wastewater Technologies (½ point)	
	J. Water Use Reduction: 20% Reduction (½ point)	
	K. Onsite Renewable Energy (½ to 1 point)	
	L. Other Quantifiable Environmental Performance (½ point)	
SSc2	Development Density and Community Connectivity	1
SSc3.1	Alternative Transportation, Public Transportation Access	1
SSc3.2	Alternative Transportation, Bicycle Storage & Changing Rooms	1
SSc3.3	Alternative Transportation, Parking Availability	1

Water Efficiency

2 Possible

Points

WEc1.1	Water Use Reduction, 20% Reduction	1
WEc1.2	Water Use Reduction, 30% Reduction	1

Energy & Atmosphere

12 Possible

Points

EAp1	Fundamental Commissioning	Required
EAp2	Minimum Energy Performance	Required
EAp3	CFC Reduction in HVAC&R Equipment	Required
EAc1.1	Optimize Energy Performance, Lighting Power	3
EAc1.2	Optimize Energy Performance, Lighting Controls	1
EAc1.3	Optimize Energy Performance, HVAC	2

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EAc1.4	Optimize Energy Performance, Equipment and Appliances	2
EAc2	Enhanced Commissioning	1
EAc3	Energy Use, Measurement & Payment Accountability	2
EAc4	Green Power	1

Materials & Resources

14 Possible

Points

MRp1	Storage and Collection of Recyclables	Required
MRc1.1	Tenant Space, Long Term Commitment	1
MRc1.2	Building Reuse, Maintain 40% of Interior Non-Structural Components	1
MRc1.3	Building Reuse, Maintain 60% of Interior Non-Structural Components	1
MRc2.1	Construction Waste Management, Divert 50% From Landfill	1
MRc2.2	Construction Waste Management, Divert 75% From Landfill	1
MRc3.1	Resource Reuse, 5%	1
MRc3.2	Resource Reuse, 10%	1
MRc3.3	Resource Reuse, 30% Furniture and Furnishings	1
MRc4.1	Recycled Content, 10% (post-consumer + 1/2 pre-consumer)	1
MRc4.2	Recycled Content, 20% (post-consumer + 1/2 pre-consumer)	1
MRc5.1	Regional Materials, 20% Manufactured Regionally	1
MRc5.2	Regional Materials, 10% Extracted and Manufactured Regionally	1
MRc6	Rapidly Renewable Materials	1
MRc7	Certified Wood	1

Indoor Environmental Quality

17 Possible

Points

EQp1	Minimum IAQ Performance	Required
EQp2	Environmental Tobacco Smoke (ETS) Control	Required
EQc1	Outdoor Air Delivery Monitoring	1
EQc2	Increased Ventilation	1
EQc3.1	Construction IAQ Management Plan, During Construction	1
EQc3.2	Construction IAQ Management Plan, Before Occupancy	1

EQc4.1	Low-Emitting Materials, Adhesives and Sealants	1
EQc4.2	Low-Emitting Materials, Paints and Coatings	1
EQc4.3	Low-Emitting Materials, Carpet Systems	1
EQc4.4	Low-Emitting Materials, Composite Wood and Laminate Adhesives	1
EQc4.5	Low-Emitting Materials, Systems Furniture and Seating	1
EQc5	Indoor Chemical and Pollutant Source Control	1
EQc6.1	Controllability of Systems, Lighting	1
EQc6.2	Controllability of Systems, Temperature and Ventilation	1
EQc7.1	Thermal Comfort, Compliance	1
EQc7.2	Thermal Comfort, Monitoring	1
EQc8.1	Daylight and Views, Daylight 75% of Spaces	1
EQc8.2	Daylight and Views, Daylight 90% of Spaces	1
EQc8.3	Daylight and Views, Views for 90% of Seated Spaces	1

Innovation & Design Process

5 Possible

Points

IDc1.1	Innovation in Design	1
IDc1.2	Innovation in Design	1
IDc1.3	Innovation in Design	1
IDc1.4	Innovation in Design	1
IDc2	LEED Accredited Professional	1

Project Totals

57 Possible

Points

Certified	21 – 26 Points
Silver	27 – 31 Points
Gold	32 – 41 Points
Platinum	42 – 57 Points

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LEED-CI

LEED-CI Version 2.0 Registered Project Checklist

Project Name:

Project Address:

Yes	?	No			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sustainable Sites		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Possible Points 7		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Credit 1	Site Selection - Select a LEED Certified Building - OR - Locate the tenant space in a building with following characteristics (up to 3 points):	3
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Option 1A	Brownfield Redevelopment	1/2
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Option 1B	Stormwater Management: Rate and Quantity	1/2
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Option 1C	Stormwater Management: Treatment	1/2
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Option 1D	Heat Island Reduction, Non-Roof	1/2
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Option 1E	Heat-Island Reduction, Roof	1/2
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Option 1F	Light Pollution Reduction	1/2
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Option 1G	Water Efficient Irrigation: Reduce by 50%	1/2
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Option 1H	Water Efficient Irrigation: No Potable Use or No Irrigation	1/2
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Option 1I	Innovative Wastewater Technologies	1/2
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Option 1J	Water Use Reduction: 20% Reduction	1/2
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Option 1K	Onsite Renewable Energy	1/2 to 1
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Option 1L	Other Quantifiable Environmental Performance	1/2 to 3
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Credit 2	Development Density and Community Connectivity	1
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Credit 3.1	Alternative Transportation, Public Transportation Access	1
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Credit 3.2	Alternative Transportation, Bicycle Storage & Changing Rooms	1
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Credit 3.3	Alternative Transportation, Parking Availability	1
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water Efficiency		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Possible Points 2		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Credit 1.1	Water Use Reduction - 20% Reduction	1
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Credit 1.2	Water Use Reduction - 30% Reduction	1
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Energy & Atmosphere		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Possible Points 12		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prereq 1	Fundamental Commissioning	Required
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prereq 2	Minimum Energy Performance	Required
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prereq 3	CFC Reduction in HVAC&R Equipment	Required
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Credit 1.1	Optimize Energy Performance - Lighting Power	3
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Credit 1.2	Optimize Energy Performance - Lighting Controls	1
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Credit 1.3	Optimize Energy Performance - HVAC	2
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Credit 1.4	Optimize Energy Performance - Equipment and Appliances	2
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Credit 2	Enhanced Commissioning	1
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Credit 3	Energy Use, Measurement & Payment Accountability	2
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Credit 4	Green Power	1

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Yes	?	No			Possible Points	14
				Materials & Resources		
Y			Prereq 1	Storage and Collection of Recyclables	Required	
			Credit 1.1	Tenant Space, Long Term Commitment		1
			Credit 1.2	Building Reuse, Maintain 40% of Interior Non-Structural Components		1
			Credit 1.3	Building Reuse, Maintain 60% of Interior Non-Structural Components		1
			Credit 2.1	Construction Waste Management, Divert 50% From Landfill		1
			Credit 2.2	Construction Waste Management, Divert 75% From Landfill		1
			Credit 3.1	Resource Reuse, 5%		1
			Credit 3.2	Resource Reuse, 10%		1
			Credit 3.3	Resource Reuse, 30% Furniture and Furnishings		1
			Credit 4.1	Recycled Content, 10% (post-consumer + 1/2 pre-consumer)		1
			Credit 4.2	Recycled Content, 20% (post-consumer + 1/2 pre-consumer)		1
			Credit 5.1	Regional Materials, 20% Manufactured Regionally		1
			Credit 5.2	Regional Materials, 10% Extracted and Manufactured Regionally		1
			Credit 6	Rapidly Renewable Materials		1
			Credit 7	Certified Wood		1

Yes	?	No			Possible Points	17
				Indoor Environmental Quality		
Y			Prereq 1	Minimum IAQ Performance	Required	
Y			Prereq 2	Environmental Tobacco Smoke (ETS) Control	Required	
			Credit 1	Outside Air Delivery Monitoring		1
			Credit 2	Increased Ventilation		1
			Credit 3.1	Construction IAQ Management Plan, During Construction		1
			Credit 3.2	Construction IAQ Management Plan, Before Occupancy		1
			Credit 4.1	Low-Emitting Materials, Adhesives and Sealants		1
			Credit 4.2	Low-Emitting Materials, Paints and Coatings		1
			Credit 4.3	Low-Emitting Materials, Carpet Systems		1
			Credit 4.4	Low-Emitting Materials, Composite Wood and Laminate Adhesives		1
			Credit 4.5	Low-Emitting Materials, Systems Furniture and Seating		1
			Credit 5	Indoor Chemical and Pollutant Source Control		1
			Credit 6.1	Controllability of Systems, Lighting		1
			Credit 6.2	Controllability of Systems, Temperature and Ventilation		1
			Credit 7.1	Thermal Comfort - Compliance		1
			Credit 7.2	Thermal Comfort - Monitoring		1
			Credit 8.1	Daylight & Views - Daylight 75% of Spaces		1
			Credit 8.2	Daylight & Views - Daylight 90% of Spaces		1
			Credit 8.3	Daylight & Views - Views for 90% of Seated Spaces		1

Yes	?	No			Possible Points	5
				Innovation & Design Process		
			Credit 1.1	Innovation in Design		1
			Credit 1.2	Innovation in Design		1
			Credit 1.3	Innovation in Design		1
			Credit 1.4	Innovation in Design		1
			Credit 2	LEED™ Accredited Professional		1

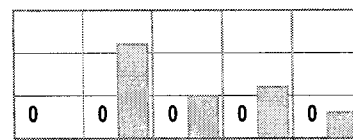
Yes	?	No			Possible Points	57
				Totals (pre-certification estimates)		
Certified 21 to 26 points Silver 27 to 31 points Gold 32 to 41 points Platinum 42 to 57 points						

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New Home Green Points Checklist

The Green Points checklist tracks green features incorporated into the home. The recommended minimum requirements for a green home are: Earn a total of 50 points or more; obtain the following minimum points per category: Energy (11), Indoor Air Quality/Health (5), Resources (6), and Water (3); and meet the prerequisites A.3.a (50% construction waste diversion) and N.1 (Incorporate Green Points checklist in blueprints).

The green building practices listed below are described in the New Home Construction Green Building Guidelines, available at www.builditgreen.org.



ENTER PROJECT NAME		Community	Energy	IAQ/Health	Resources	Water
A. SITE		Possible Points				
1. Protect Native Soil and Minimize Disruption of Existing Plants & Trees						
<input type="checkbox"/>	a. Protect Native Topsoil from Erosion and Reuse after Construction	1				1
<input type="checkbox"/>	b. Limit and Delineate Construction Footprint for Maximum Protection					1
<input type="checkbox"/>	2. Deconstruct Instead of Demolishing Existing Buildings On Site				3	
3. Recycle Job Site Construction Waste (Including Green Waste)						
<input type="checkbox"/>	a. Minimum 50% Waste Diversion by Weight (Recycling or Reuse) -Required				R	
<input type="checkbox"/>	b. Minimum 65% Diversion by Weight (Recycling or Reuse)				2	
<input type="checkbox"/>	c. Minimum 80% Diversion by Weight (Recycling or Reuse)				2	
4. Use Recycled Content Aggregate (Minimum 25%)						
<input type="checkbox"/>	a. Walkway and Driveway				1	
<input type="checkbox"/>	b. Roadway Base				1	
B. LANDSCAPING		Possible Points				
1. Construct Resource-Efficient Landscapes						
<input type="checkbox"/>	a. No Invasive Species Listed by Cal-IPC Are Planted					1
<input type="checkbox"/>	b. No Plant Species Will Require Hedging				1	
<input type="checkbox"/>	c. 75% of Plants Are California Natives or Mediterranean Species					1
<input type="checkbox"/>	2. Use Fire-Safe Landscaping Techniques	1				
3. Minimize Turf Areas in Landscape Installed by Builder						
<input type="checkbox"/>	a. All Turf Will Have a Water Requirement Less than or Equal to Tall Fescue					2
<input type="checkbox"/>	b. Turf Shall Not Be Installed on Slopes Exceeding 10% or in Areas Less than 8 Feet Wide					2
<input type="checkbox"/>	c. Turf is <33% of Landscaped Area					2
<input type="checkbox"/>	d. Turf is <10% of Landscaped Area					2
<input type="checkbox"/>	4. Plant Shade Trees		1			1
<input type="checkbox"/>	5. Implement Hydrozoning: Group Plants by Water Needs					1
6. Install High-Efficiency Irrigation Systems						
<input type="checkbox"/>	a. System Uses Only Low-Flow Drip, Bubblers, or Low-flow Sprinklers					1
<input type="checkbox"/>	b. System Has Smart (Weather-Based) Controllers					2
<input type="checkbox"/>	7. Apply Two Inches of Compost in the Top 6 to 12 Inches of Soil					2
<input type="checkbox"/>	8. Mulch All Planting Beds to the Greater of 2 Inches or Local Water Ordinance Requirement					1
<input type="checkbox"/>	9. Use 50% Salvaged or Recycled-Content Materials for 50% of Non-Plant Landscape Elements				1	
<input type="checkbox"/>	10. Reduce Light Pollution by Shielding Fixtures and/or Directing Light Downward	1				
C. FOUNDATION		Possible Points				
1. Incorporate Recycled Flyash in Concrete						
<input type="checkbox"/>	a. Minimum 20% Flyash				1	
<input type="checkbox"/>	b. Minimum 25% Flyash				1	
<input type="checkbox"/>	2. Use Frost-Protected Shallow Foundation in Cold Areas (C.E.C. Climate Zone 16)				3	
<input type="checkbox"/>	3. Use Radon Resistant Construction (In At-Risk Locations Only)			1		
D. STRUCTURAL FRAME & BUILDING ENVELOPE		Possible Points				
1. Apply Optimal Value Engineering						
<input type="checkbox"/>	a. 2x4 Studs at 24-Inch On Center Framing				1	
<input type="checkbox"/>	b. Door and Window Headers Sized for Load				1	
<input type="checkbox"/>	c. Use Only Jack and Cripple Studs Required for Load				1	

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ENTER PROJECT NAME

	Community	Energy	IAQ/Health	Resources	Water
2. Use Engineered Lumber					
<input type="checkbox"/> a. Beams and Headers				1	
<input type="checkbox"/> b. Insulated Engineered Headers		1			
<input type="checkbox"/> c. Wood I-Joists or Web Trusses for Floors				1	
<input type="checkbox"/> d. Wood I-Joists for Ceilings				1	
<input type="checkbox"/> e. Engineered or Finger-Jointed Studs for Vertical Applications				1	
3. Use FSC-Certified Wood					
<input type="checkbox"/> a. Dimensional Studs: Minimum 40%				2	
<input type="checkbox"/> b. Dimensional Studs: Minimum 75%				2	
<input type="checkbox"/> c. Panel Products: Minimum 40%				1	
<input type="checkbox"/> d. Panel Products: Minimum 70%				1	
<input type="checkbox"/> 4. Design Energy Heels on Trusses (75% of Attic Insulation Height at Outside Edge of Exterior Wall)		1			
<input type="checkbox"/> 5. Design Trusses to Accommodate Ductwork		1			
6. Use Oriented Strand Board (OSB)					
<input type="checkbox"/> a. Subfloor				1	
<input type="checkbox"/> b. Sheathing				1	
<input type="checkbox"/> 7. Use Recycled-Content Steel Studs for 90% of Interior Wall Framing				1	
8. Use Solid Wall Systems (Includes SIPs, ICFs, & Any Non-Stick Frame Assembly)					
<input type="checkbox"/> a. Floors		2		2	
<input type="checkbox"/> b. Walls		2		2	
<input type="checkbox"/> c. Roofs		2		2	
<input type="checkbox"/> 9. Thermal Mass Walls: 5/8-Inch Drywall on All Interior Walls or Walls Weigh more than 40 lb/cu.ft.		1			
10. Design and Build Structural Pest Controls					
<input type="checkbox"/> a. Install Termite Shields & Separate All Exterior Wood-to-Concrete Connections by Metal or Plastic Fasteners/Dividers				1	
<input type="checkbox"/> b. All New Plants Have Trunk, Base, or Stem Located At Least 36 Inches from Foundation				1	
11. Reduce Pollution Entering the Home from the Garage					
<input type="checkbox"/> a. Tightly Seal the Air Barrier between Garage and Living Area			1		
<input type="checkbox"/> b. Install Separate Garage Exhaust Fan			1		
12. Install Overhangs and Gutters					
<input type="checkbox"/> a. Minimum 16-Inch Overhangs and Gutters				1	
<input type="checkbox"/> b. Minimum 24-Inch Overhangs and Gutters		1			

E. EXTERIOR FINISH		Possible Points			
<input type="checkbox"/> 1. Use Recycled-Content (No Virgin Plastic) or FSC-Certified Wood Decking				2	
<input type="checkbox"/> 2. Install a Drainage Plane (Rain Screen Wall System)				2	
<input type="checkbox"/> 3. Use Durable and Non-Combustible Siding Materials				1	
<input type="checkbox"/> 4. Select Durable and Non-Combustible Roofing Materials				2	

F. PLUMBING		Possible Points			
1. Distribute Domestic Hot Water Efficiently					
<input type="checkbox"/>	a. Insulate Hot Water Pipes from Water Heater to Kitchen				1
<input type="checkbox"/>	b. Insulate All Hot Water Pipes OR Install On-Demand Hot Water Circulation System in conjunction with F.1.a Insulate Hot Water Pipes from Water Heater to Kitchen	1			1
<input type="checkbox"/>	c. Locate the Water Heater within 25 feet of All Hot Water Fixtures and Appliances				1
<input type="checkbox"/>	d. Use Engineered Parallel Piping	1			
<input type="checkbox"/>	2. Install Only High Efficiency Toilets (Dual-Flush or <=1.3 gpf)				3

G. APPLIANCES		Possible Points			
1. Install ENERGY STAR Dishwasher					
<input type="checkbox"/>	a. ENERGY STAR	1			
<input type="checkbox"/>	b. Dishwasher Uses No More than 6.5 Gallons/Cycle	1			1
<input type="checkbox"/>	2. Install ENERGY STAR Clothes Washing Machine with Water Factor of 6 or Less	1			3
3. Install ENERGY STAR Refrigerator					
<input type="checkbox"/>	a. ENERGY STAR: 15% above Federal Minimum	1			
<input type="checkbox"/>	b. Super-Efficient Home Appliance Tier 2: 25% above Federal Minimum	1			
<input type="checkbox"/>	4. Install Built-In Recycling Center				2

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ENTER PROJECT NAME		Community	Energy	IAQ/Health	Resources	Water
H. INSULATION		Possible Points				
1. Install Insulation with 75% Recycled Content						
<input type="checkbox"/>	a. Walls and/or Floors				1	
<input type="checkbox"/>	b. Ceilings				1	
2. Install Insulation that is Low-Emitting (Certified Section 01350)						
<input type="checkbox"/>	a. Walls and/or Floors			1		
<input type="checkbox"/>	b. Ceilings			1		
<input type="checkbox"/>	3. Pre-Drywall Inspection Shows Quality Installation of Insulation		1			

I. HEATING, VENTILATION & AIR CONDITIONING		Possible Points				
<input type="checkbox"/>	1. Design and Install HVAC System to ACCA Manual J, D, and S Recommendations		4			
2. Install Sealed Combustion (Direct Vent) Units in Conditioned Space						
<input type="checkbox"/>	a. Furnaces			2		
<input type="checkbox"/>	b. Water Heaters			2		
<input type="checkbox"/>	3. No Fireplace or Sealed Gas Fireplace with Efficiency Rating Not Less Than 60%			1		
<input type="checkbox"/>	4. Install ENERGY STAR Ceiling Fans with CFLs in Living Areas and Bedrooms		1			
5. Install Ventilation System for Nighttime Cooling						
<input type="checkbox"/>	a. Whole House Fan		1			
<input type="checkbox"/>	b. Automatically Controlled Integrated System		2			
<input type="checkbox"/>	c. Integrated System with Variable Speed Control		3			
<input type="checkbox"/>	6. Install Air Conditioning with Non-HCFC Refrigerants	1				
7. Design and Install Effective Ductwork						
<input type="checkbox"/>	a. Install HVAC Unit and Ductwork within Conditioned Space		3			
<input type="checkbox"/>	b. Use Duct Mastic on All Duct Joints and Seams		1			
<input type="checkbox"/>	c. Install Ductwork under Attic Insulation (Buried Ducts)		1			
<input type="checkbox"/>	d. Pressure Balance the Ductwork System for Master Bedroom		1			
<input type="checkbox"/>	e. Protect Ducts during Construction and Clean All Ducts before Occupancy			1		
<input type="checkbox"/>	8. Install High Efficiency HVAC Filter (MERV 6+)			1		
<input type="checkbox"/>	9. Install Zoned, Hydronic Radiant Heating with Slab Edge Insulation		1	1		
10. Install Mechanical Ventilation System						
<input type="checkbox"/>	a. Any Whole House Ventilation System That Meets ASHRAE 62.2		1	2		
<input type="checkbox"/>	b. Install ENERGY STAR Bathroom Fan			1		
<input type="checkbox"/>	c. All Bathroom Fans Are on Timer or Humidistat			1		
<input type="checkbox"/>	11. Use Low-Sone Range Hood Vented to the Outside			1		
<input type="checkbox"/>	12. Install Carbon Monoxide Alarm(s)			1		

J. BUILDING PERFORMANCE		Possible Points				
0%	1. Design and Build High Performance Homes (2 points for each 1% above T-24, up to 30 pts) <i>Enter the percent above Title 24 in the cell at left. Any value over 15% will automatically earn 30 points.</i>		30			
<input type="checkbox"/>	2. House Obtains ENERGY STAR with Indoor Air Package Certification			5	2	
3. Inspection and Diagnostic Evaluations						
<input type="checkbox"/>	a. Third Party Energy and Green Building Review of Home Plans		1	1	1	
<input type="checkbox"/>	b. Blower Door Test Performed		1			
<input type="checkbox"/>	c. House Passes Combustion Safety Backdraft Test			1		

K. RENEWABLE ENERGY		Possible Points				
<input type="checkbox"/>	1. Pre-Plumb for Solar Hot Water Heating		4			
<input type="checkbox"/>	2. Install Solar Water Heating System		10			
<input type="checkbox"/>	3. Install Wiring Conduit for Future Photovoltaic Installation & Provide 200 ft ² of South-Facing Roof		2			
4. Install Photovoltaic (PV) Panels						
<input type="checkbox"/>	a. 1.2 kW System		6			
<input type="checkbox"/>	b. 2.4 kW System		6			
<input type="checkbox"/>	c. 3.6 kW or more		6			

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ENTER PROJECT NAME

		Community	Energy	IAQ/Health	Resources	Water
L. FINISHES		Possible Points				
<input type="checkbox"/>	1. Provide Permanent Walk-Off Mats and Shoe Storage at Home Entrances			1		
<input type="checkbox"/>	2. Use Low/No-VOC Paint					
<input type="checkbox"/>	a. Low-VOC Interior Wall/Ceiling Paints (<50 gpl VOCs (Flat) and <150 gpl VOCs (Non-Flat))			1		
<input type="checkbox"/>	b. Zero-VOC: Interior Wall/Ceiling Paints (<5 gpl VOCs (Flat))			3		
<input type="checkbox"/>	3. Use Low VOC, Water-Based Wood Finishes (<150 gpl VOCs)			2		
<input type="checkbox"/>	4. Use Low-VOC Construction Adhesives (<70 gpl VOCs) for All Adhesives			2		
<input type="checkbox"/>	5. Use Recycled-Content Paint				1	
<input type="checkbox"/>	6. Use Environmentally Preferable Materials for Interior Finish: A) FSC-Certified Wood, B) Reclaimed Lumber, C) Rapidly Renewable D) Recycled-Content or E) Finger-Jointed					
	At Least 50% of Each Material (1 pt each):					
<input type="checkbox"/>	a. Cabinets				1	
<input type="checkbox"/>	b. Interior Trim				1	
<input type="checkbox"/>	c. Shelving				1	
<input type="checkbox"/>	d. Doors				1	
<input type="checkbox"/>	e. Countertops				1	
<input type="checkbox"/>	7. Reduce Formaldehyde in Interior Finish (Section 01350) for At Least 50% of Each Material Below:					
<input type="checkbox"/>	a. Cabinets			1		
<input type="checkbox"/>	b. Interior Trim			1		
<input type="checkbox"/>	c. Shelving			1		
<input type="checkbox"/>	d. Subfloor			1		
<input type="checkbox"/>	8. After Installation of Finishes, Test of Indoor Air Shows Formaldehyde Level <27ppb			3		

M. FLOORING		Possible Points				
<input type="checkbox"/>	1. Use Environmentally Preferable Flooring: A) FSC-Certified or Reclaimed Wood, B) Rapidly Renewable Flooring Materials, C) Recycled-Content Ceramic Tiles, D) Exposed Concrete as Finished Floor or E) Recycled-Content Carpet. <i>Note: Flooring Adhesives Must Have <50 gpl VOCs.</i>					
<input type="checkbox"/>	a. Minimum 15% of Floor Area			1		
<input type="checkbox"/>	b. Minimum 30% of Floor Area			1		
<input type="checkbox"/>	c. Minimum 50% of Floor Area			1		
<input type="checkbox"/>	d. Minimum 75% of Floor Area			1		
<input type="checkbox"/>	2. Thermal Mass Floors: Floor Covering Other than Carpet on 50% or More of Concrete Floors		1			
<input type="checkbox"/>	3. Flooring Meets Section 01350 or CRI Green Label Plus Requirements (50% Minimum)			2		

N. OTHER		Possible Points				
<input type="checkbox"/>	1. Incorporate Green Points Checklist in Blueprints- Required				R	
<input type="checkbox"/>	2. Develop Homeowner Manual of Green Features/Benefits		1	1		1
3. Community Design Measures & Local Priorities: See the Community Planning & Design section in Chapter 4 of the New Home Guidelines for measures. Maximum of 20 points for suggested measures. Local requirements may also be listed here.						
0	Enter description here					
0	Enter description here					
0	Enter description here					
0	Enter description here					
4. Innovation: List innovative measures that meet the green building objectives of the Guidelines. Enter up to a maximum combined total of 20 pts. See Innovation Checklist for suggested measures.						
0	Innovation in Community: Enter description here					
0	Innovation in Energy: Enter description here					
0	Innovation in IAQ/Health: Enter description here					
0	Innovation in Resources: Enter description here					
0	Innovation in Water: Enter description here					

Summary

Points Achieved from Specific Categories	0	0	0	0	0
Total Points Achieved	0				
Project has not yet met the recommended minimum requirements					
- Total Project Score of At Least 50 Points					
- Minimum points in specific categories: Energy (11), IAQ/Health (5), Resources (6), Water (3)					
- Required measures A.3.a and/or N.1					

What is Low Impact Development (LID)?

LID is an ecologically friendly approach to site development and storm water management that aims to mitigate development impacts to land, water, and air. The approach emphasizes the integration of site design and planning techniques that conserve natural systems and hydrologic functions on a site. The practice has been successfully integrated into many municipal development codes and storm water management ordinances throughout the United States. Specifically, LID aims to:

- Preserve Open Space and Minimize Land Disturbance;
- Protect Natural Systems and Processes (drainage ways, vegetation, soils, sensitive areas);
- Reexamine the Use and Sizing of Traditional Site Infrastructure (lots, streets, curbs, gutters, sidewalks) and Customize Site Design to Each Site;
- Incorporate Natural Site Elements (wetlands, stream corridors, mature forests) as Design Elements; and
- Decentralize and Micromanage Storm Water at its Source.



Courtyard with Bioretention Areas
Blackman Heights Community
Portland, OR

Cover Photo: R. Arendt

Questions and Answers

Information on the most frequently asked low impact development questions.

Public Safety

Q: I am aware that in some instances, LID advocates the reduction of street widths and the reduced use of sidewalks to decrease impervious surfaces. Isn't this a threat to public safety?

A: No. Studies have shown that reduced street widths still provide all the functions of access, parking, and circulation for residents and emergency vehicles alike. Depending on density, minimizing the use of sidewalks may help to reduce development costs, increase housing affordability, and reduce impervious surfaces.

Q: Don't LID storm water management practices increase the likelihood of flooding?

A: No. LID designs provide adequate conveyance of storm water by using designs that maintain predevelopment volumes and rates of runoff. Since bioretention areas are designed to completely drain within a specified period of time, they do not provide breeding grounds for mosquitoes. Overflow controls within bioretention areas control the risk of flooding.

Public Perception

Q: Aren't homeowners concerned about maintaining storm water controls on their properties?

A: Environmental stewardship is everyone's responsibility. Most homeowners view these systems as additional landscaping and once they are aware of the benefits that these systems provide to local hydrology, few remain opposed.

Maintenance

Q: LID practices sound great, but who maintains all of the open space and various storm water controls?

A: Communities designed using LID practices often rely on a combination of homeowner stewardship and maintenance agreements. When designed correctly, most homeowners perceive these systems as value-added builder amenities and actively provide for their maintenance.

For More Information

- Low Impact Development Center
<http://www.lowimpactdevelopment.org>
- Prince George's County, Maryland
<http://www.pgcprincegeorgescounty.com>
- NAHB Research Center Toolbase Services
<http://www.toolbase.org/>
- U.S. EPA
<http://www.epa.gov/owow/nps/urban.html>



* Assumes pricing costs of \$15/sq. yd. Printed on recycled paper with soy ink.



Municipal Guide to Low Impact Development

Would you be interested in saving upwards of \$70,000* per mile in street infrastructure costs by eliminating one lane of on-street parking on residential streets?

Did you know that communities designed to maximize open space and preserve mature vegetation are highly marketable and command higher lot prices?

Are you aware that most homeowners perceive Low Impact Development practices, such as bioretention, as favorable since such practices are viewed as additional builder landscaping?

Did you know that by reducing impervious surfaces, disconnecting runoff pathways, and using on-site infiltration techniques, you can reduce or eliminate the need for costly storm water ponds?

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Case Study

Somerset is an 80-acre development in Prince George's County, Maryland consisting of 199 homes on 10 000-square-foot lots. During its creation, the developer used LID practices to reduce the storm water management burden. By using LID, the developer:

- Eliminated the need for storm water ponds by using bioretention techniques saving approximately \$300,000;
- Gained six additional lots and their associated revenues; and
- Reduced finished lot cost by approximately \$4,000.

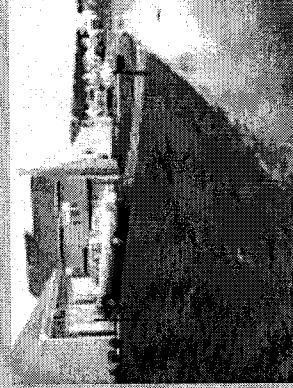
Description	Conventional Design	Bioretention System
Engineering Redesign	0	\$110,000
Land Reclamation (6 lots x \$40,000 Net)	0	<\$240,000>
Total Costs	\$2,457,843	\$1,541,461
Total Costs (-Land Reclamation + Redesign Costs)	\$2,457,843	\$1,671,461
Total Cost Savings = \$916,382		
Cost Savings Per Lot = \$4,604		

Source: D. Wingardoff

Cost Comparison: Conventional Design Vs. Bioretention



Lot with Bioretention



Grassed Swale and Street without Curb and Gutter



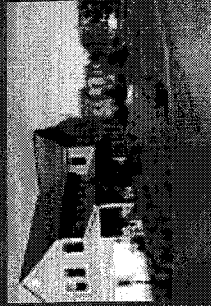
Bioretention Area and Open Space

Photos: Low Impact Development Center



Grassed Swale and Narrow Street
Montgomery County, MD

Source: Low Impact Development Center



Bioretention with Native Vegetation
Prairie Crossing
Grayslake, IL

Source: Applied Ecological Services, Inc.

LID Benefits

In addition to the practice just making good sense, low impact development techniques can offer many benefits to a variety of stakeholders.

Municipalities

- Protect regional flora and fauna
- Balance growth needs with environmental protection
- Reduce municipal infrastructure and utility maintenance costs (streets, curbs, gutters, sidewalks, storm sewer)
- Increase collaborative public/private partnerships

Developers

- Reduce land clearing and grading costs
- Potentially reduce infrastructure costs (streets, curbs, gutters, sidewalks)
- Reduce storm water management costs
- Potentially reduce impact fees and increases lot yields
- Increase lot and community marketability

Environment

- Preserve integrity of ecological and biological systems
- Protect site and regional water quality by reducing sediment, nutrient, and toxic loads to water bodies
- Reduce impacts to local terrestrial and aquatic plants and animals
- Preserve trees and natural vegetation

Hydrologic Comparison between Conventional Storm Water Management and LID

Hydrologic alterations within the landscape occur whenever land is developed. Conventional development approaches to storm water management have used practices to quickly and efficiently convey water away from developed areas. Usually these practices are designed to control the peak runoff rate for predicted storm events, usually the 2- and 10-year storms. While these systems have worked to some degree, they still have not accounted for the increased runoff rates and volumes from smaller, more frequent storms, nor have they addressed the larger watershed functions of storage, filtration, and infiltration.

In contrast, LID utilizes a system of source controls and small-scale, decentralized treatment practices to help maintain a hydrologically functional landscape. The conservation of open space, the reduction of impervious surfaces, and the use of small-scale storm water controls, such as bioretention, are just a few of the LID practices that can help maintain predevelopment hydrological conditions.



Aerial View of Somerset Development Site Plan, Prince George's County, MD

ATTACHMENT 1-B

Recommended Amendments
(struck and new text shown)

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ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 26 OF THE SAN LUIS OBISPO
COUNTY CODE, THE GROWTH MANAGEMENT ORDINANCE

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 26.01.034b of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- b. Proposed new dwelling units which will be affordable housing for persons and families of low or moderate income as defined by California Health and Safety Code Section 50093, with long-term affordability guaranteed for a period of 30 years as provided by Section 22.04.094 12.070 of the Land Use Ordinance and Section 23.04.094 of the Coastal Zone Land Use Ordinance.

SECTION 2: Section 26.01.050b(7) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (7) **Planned Development:** A project based on a comprehensive, unified site design that will include a phasing schedule specifying the time period over which the project will be built and the number of dwelling units to be built in each phase, and meeting the following criteria: each phase will provide the necessary services and infrastructure so as to be both self-supporting as well as integrated into the whole project, including specifying the standards for land use and related improvements (i.e. streets, utilities, public and private open space, buffers, etc.) plus responsibilities for their installation, ownership and maintenance; the overall project is characterized by creative and innovative design features and a variety of housing types. Such projects are to be approved as mixed use or cluster divisions within urban or village reserve lines or agricultural cluster projects under the provisions of Titles 22 or 23 of the County Code, approved through a development plan Development Plan or Conditional Use Permit, approved through a Specific Plan adopted by the County in accordance with the California Government Code, or covered by a development agreement approved by the Board of Supervisors.

SECTION 3: Section 26.01.070a(1) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (1) **Maximum number of new dwelling units allowed in the Nipomo Mesa area.** The maximum number of new dwelling units allowed in the Nipomo Mesa area (see Figure 1) for the period of July 1, 20056 through June 30, 20067, shall not exceed a 1.8 percent annual increase in the number of existing dwelling units in 20045, resulting in the potential for a Maximum Annual Allocation of 1227 new residences in the Nipomo Mesa area for the period from July 1, 20056 through June 30, 20067. In addition to the 1.8 percent annual allotment, a .5 percent supplement of allotments resulting in an additional 35 new residences in the Nipomo Mesa area shall be made available for the period from July 1, 2006 to June 30, 2007 to projects on the

waiting list located within urban or village reserve lines that have received intent-to-serve letters from the applicable water district and meet identified criteria as Smart Growth, Senior Housing, Mixed Use, Green Build (equivalent to LEED certified) or other projects that will result in the completion of construction of sections of road improvements identified on the South County Circulation Study Road Improvement list.

SECTION 4: Section 26.01.070c(1)(a) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (a) **Category 1:** ~~Twenty (20)~~ Thirty-five (35) percent of the Maximum Annual Allotment shall be reserved for developers of multi-family dwellings and dwelling units in phased projects approved as Planned Developments or through adoption of a Specific Plan. No single applicant shall be eligible in any one year for more than five (5) percent of the Maximum Annual Allotment. Dwelling units to be developed in such projects may be carried over for one year upon written request of the applicant within the 180 days specified in subsection "g" of this section. If there are not enough applications for dwelling units to use up the ~~20~~35% reservation in this category, those unused allotments shall be made available in Category 2.

SECTION 5: Section 26.01.070c(1)(b) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (b) **Category 2:** The remaining ~~80~~ Sixty-five (65) percent of the Maximum Annual Allotment shall be available for all other applicants for new dwelling units. However, no single applicant shall receive more than five (5) percent of the annual allocations and/or allotments. If there are not enough applications for dwelling units in Category 2 in the fiscal year allotment, those unused allotments shall be available for use in Category 1.

SECTION 6: Section 26.01.070d of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- d. **Filing of Requests for Allotment.** Applicants interested in building new dwelling units will file a Request for Allotment with the Department of Planning and building on a form provided by the department to allow the department to track the category of allotment. A complete application for the construction permits and full building plans are required at this time in addition to having completed any required discretionary permit review. If the application is determined to be incomplete by the Department of Planning and Building, the construction permit application will be rejected and no selection under the Growth Management ordinance will be made.

SECTION 7: Section 26.01.070d(1) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby deleted as follows:

- ~~(1) **Limit on number of allocation requests:** Only two Requests for Allocation will be accepted for any single legally created parcel per year, except that a single applicant may file one request for Allocation for a maximum number of dwelling units not to exceed 2.5% of the total allocation per year on properties designated Residential Multi-Family and proposed for development of multi-family dwelling units; or a maximum number of dwelling units not to~~

~~exceed 5.0% of the total annual allocation for a phased project approved as a Planned Development or through adoption of a Specific Plan, or where such units are included in a development agreement approved by the Board of Supervisors, in accordance with Sections 26.01.050 (b)(6) and (7) of this title.~~

SECTION 8: Section 26.01.070e of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- e. **Filing of Requests for Allocation.** Applicants eligible to file a Request for Allocation are allowed an exception to the requirement that a complete application be submitted as follows:
- (1) For a vested map that was filed and accepted for processing prior to May 20, 2003, ~~can elect to submit~~ a Request for Allocation can be selected for submittal as provided in the ordinance that was in place at the time of acceptance of the vesting map for processing.
 - (2) For parcels located within communities with waiting lists as provided in sections h and i, or for any area where a waiting list of more than 18 months exists.

SECTION 9: Section 26.01.070f of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- f. **Limit on number of allotment and allocation requests:** ~~A total of two Requests for Allocation or Allotment will be accepted for any single legally created parcel per year, except that a single applicant may file one request for Allocation or Allotment for a maximum number of dwelling units not to exceed 2.5% of the total allocation per year on properties designated Residential Multi-Family and proposed for development of multi-family dwelling units; or a maximum number of dwelling units not to exceed 5.0% in the county-wide area or 10% in the Nipomo Mesa Area of the total annual allocation. for a phased project approved as a Planned Development or through adoption of a Specific Plan, or where such units are included in a development agreement approved by the Board of Supervisors, in accordance with Sections 26.01.050 (b)(6) and (7) of this title. If a qualifying multi-family project described in the preceding sentence includes at least 35% of the units as affordable units in accordance with County Ordinance, an individual developer may secure up to 15% of the total annual allotments in the Nipomo Mesa area for the market rate units. A total of two Requests for Allocation or Allotment will be accepted for any single legally-created parcel per year. An applicant may file a request for Allocations or Allotments for a maximum number of dwelling units not to exceed the following percentages of the total annual allocation/allotment for the respective areas:~~
- (1) 5% in the countywide area,
 - (2) 10% in the Nipomo Mesa Area, or
 - (3) 20% of the total annual allotment in the Nipomo Mesa Area for multi-family/planned development projects that have received intent to serve letters from the applicable water district and meet any one of the following:
 - (i) Projects that meet criteria as a Smart Growth, Senior Housing, Mixed Use, Green Build (equivalent to LEED certified); or

- (ii) Projects that guarantee long term affordability for at least 35% of the units in accordance with County Ordinance; or
- (iii) Projects that will result in the completion of construction of sections of road improvements identified on the South County Circulation Study Road Improvement list.

SECTION 10: Section 26.01.070h(1)(a)(i) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (i) **Allocation for the years July 1, 2004~~6~~ through June 30, 2007~~2~~.** Based on the County 2003~~5~~ Resource Management System (RMS) Annual Report approved by the Board of Supervisors on December 9~~20~~, 2003~~5~~, the Maximum Annual Allocation shall ~~be set at not exceed 1.0 0%~~ per fiscal year for the period from July 1, 2004~~6~~ through June 30, 2007~~2~~, ~~resulting in the potential for 39 no new allocation or allotment requests other than those accompanied by an intent-to-serve letter from the Cambria Community Services District for transferred meters and~~ plus 8 grandfathered Allocations for new residences in Cambria each fiscal year in the period from July 1, 2004~~6~~ through June 30, 2007~~2~~.

SECTION 11: Section 26.01.072a of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- a. **Transfer of allocations.** Dwelling units will be allocated through the process described in sections 26.01.070 of this title to specific parcels, except that allocations may be transferred within the Cambria Community Services District as described in section 26.01.070~~h~~(1)(a)(iii), or on other properties in the unincorporated county where approved as part of a county Transfer of Development Credits (TDC) program.

SECTION 12: Section 26.01.072b of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- b. **Expiration of allocations.** After receiving a dwelling unit allocation as provided by this title, the applicant must file a complete construction permit application along with any required land use permit application within the number of days of the date of notice of an allocation as provided in section 26.01.070~~f~~g, plus any requested time extension for such filing.

SECTION 13: Section 26.01.072e of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- e. **Reallocation of expired units.** Where any applicant withdraws his application, or where such application has been deemed expired pursuant to the provisions of this title, that unused allocation shall become available for use within the current Maximum Annual Allocation as if it were a new Request for Allocation, subject to all provisions of this title. Where the allocation is located within a community subject to a waiting list as described in Section 26.01.070~~h~~, the allocation shall be made available within that community subject to the ordinance or administrative procedures adopted by the service provider within that community.

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SECTION 14. The previously certified Growth Management Ordinance Amendments Final Environmental Impact Report (FEIR - 2006), and the Addendum prepared for this project, are adequate for the purposes of compliance with CEQA because 1) no substantial changes are proposed for the project which will require major revision of the previously certified FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, 2) no substantial changes have occurred with respect to the circumstance under which the project is undertaken which will require major revision of the previously certified FEIR that would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and 3) no new information of substantial importance, or that could change the significance of an issue evaluated, has been identified which was not known at the time that the previous FEIR was certified.

SECTION 15. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 16: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the _____ day of _____, 20____, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 20____, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California
[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: _____

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ATTACHMENT 1-C

Proposed Findings

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EXHIBIT D

TO: BOARD OF SUPERVISORS
FROM: JOHN McKENZIE, EIR PROJECT MANAGER
DATE: MAY 9, 2006
**SUBJECT: Submittal of CEQA-Required Findings and Statement of
Overriding Considerations for Growth Management Ordinance
Amendments; LRP 2005-00011**

I. PROJECT DESCRIPTION

The proposed project by the County of San Luis Obispo is requesting to amend the Growth Management Ordinance, Title 26 of the County Code, to maintain the county-wide growth rate at 2.3% and the Nipomo Mesa Area rate at 1.8%, and set the Cambria growth rate at 0%. In addition, other changes include:

1. Redefine/refine the categories listed in the Growth Management Ordinance (i.e. single-family vs. multi-family/planned development).
2. Revise percentages reserved for each category to reflect current trends.
3. Increase the percent allowed to any one developer for projects that meet certain criteria, such as smart growth, green build, etc.
4. For Nipomo Mesa Area, allow additional units to be allocated between the 1.8% and the 2.3% growth rate for projects that meet the criteria listed above.
5. For areas with waiting time for allotment selection of more than 18 months, allow application for an allotment once the land use permit is approved/subdivision is recorded rather than requiring full working drawings to be developed and submitted prior to application for an allotment.
6. Clarify Growth Management ordinance to include requirement of approval of any applicable land use permit in addition to full construction permit application in order to apply for allotment.
7. Update an incorrect ordinance reference in section 26.01.034b.

The proposed project includes specific measures that affect Nipomo and Cambria, with other measures having countywide applications.

The project and alternatives are described in more detail in the Growth Management Ordinance Amendment Final EIR, and Appendices, the EIR Addendum, and/or the staff report accompanying these findings.

HISTORY

In 1980, the Board of Supervisors adopted the Land Use Element/Land Use Ordinance (LUE/LUO) system that remains the backbone of the County's planning and land use regulatory framework today. A key component of this LUE/LUO system was the Resource Management System (RMS). As

implementation of this system began to unfold in the early and mid-1980's, the County also began experiencing significant growth issues. This culminated in the late-1980's when two growth management ballot measures were presented to County voters. Both measures failed to gain the necessary support to be implemented. The Board of Supervisors then created a Growth Management Blue Ribbon Committee, hired a professional facilitator, and the committee formulated a series of recommendations to the Board as to how best to address growth issues. One of the key committee recommendations was to establish a maximum annual growth rate that would not exceed the growth being experienced statewide, 2.3 percent. After many months of long and contentious public hearings, the Board adopted the GMO, Title 26 of the County Code (refer to Appendix B), specifying that the maximum annual rate of growth shall not exceed a 2.3 percent increase in the number of residential dwelling units in the unincorporated portions of the County. The adopted ordinance only dealt with the number of new residences to be allowed each year and did not include any provisions that would regulate other aspects of development, such as commercial and industrial development, or subdivisions of land.

The GMO EIR evaluated a number of potential amendments authorized by the Board over the past few years. The EIR analysis distilled these potential changes into two primary components – a countywide analysis of those non-geographically based items, and a regionally-specific analysis of the Nipomo Mesa area in the South County. This EIR was certified on April 4, 2006.

In February, 2006, the Board authorized the above-mentioned amendments for consideration that were related to those evaluated in the GMO EIR. However, due to slight differences between what was evaluated in the EIR and what was being proposed, an EIR Addendum was prepared to discuss these minor differences. The Addendum recognized that all proposed changes, with the exception of the Nipomo growth cap being increased from 1.8% to 2.3% for certain types of projects, would have no additional impact on overall growth rates.

II. THE RECORD

For the purposes of CEQA and the Findings IV-V, the record of the Planning Commission and Board of Supervisors relating to the application includes:

1. Documentary and oral evidence received and reviewed by the Planning Commission and Board of Supervisors during the public hearings on the project.
2. The Growth Management Ordinance Amendments Final EIR, circulated in (September, 2005). Final EIR, circulated in December, 2005 (certified in April, 2006).
3. The Growth Management Ordinance Amendments EIR Addendum, circulated in April, 2006.
4. The Growth Management Ordinance Amendments application and supporting materials.
5. The Growth Management Ordinance Amendments Staff Report prepared for the Board of Supervisors.
6. Matters of common knowledge to the Board which it considers, such as:
 - a. The County General Plan, including the land use maps and elements thereof;
 - b. The text of the Land Use Element;
 - c. The California Environmental Quality Act (CEQA) and the CEQA Guidelines.

- d. The County of San Luis Obispo Environmental Quality Act Guidelines;
- e. The County Annual Resources Summary Report;
- f. The SLO County Public Facilities Financing Plan;
- g. The Countywide Settlement Pattern Strategy Phase 1 and 2 Reports;
- h. The Countywide Growth Management Ordinance (Title 26);
- i. Other formally adopted County, State and Federal regulations, statutes, policies, and ordinances;
- j. Additional documents referenced in the Final EIR and EIR Addendum for the Growth Management Ordinance Amendments.

III. CERTIFICATION OF THE ENVIRONMENTAL DETERMINATION

The Board of Supervisors recommends to certify the following with respect to the Growth Management Ordinance Amendments:

- A. The Board of Supervisors has reviewed and considered the Growth Management Ordinance (GMO) Amendments Certified Final EIR and EIR Addendum.
- B. The EIR Addendum for the Growth Management Ordinance Amendments has been completed in compliance with the California Environmental Quality Act.
- C. The GMO Certified Final EIR and Environmental Impact Report Addendum, and all related public comments and responses have been presented to the Board of Supervisors, and they have reviewed and considered the information contained in the Environmental Impact Report Addendum and testimony presented at the public hearings prior to approving the Growth Management Ordinance Amendments.
- D. The Growth Management Ordinance Amendments Certified Final EIR and EIR Addendum reflects the independent judgment of the Board of Supervisors, acting as the lead agency for the project.

IV. FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT (Class III)

The findings below are for Class III impacts. Class III impacts are impacts that are adverse, but not significant.

1. Noise

NS Impact 13. Cumulative developments in the Nipomo Mesa area would potentially result in exposure of sensitive receptors to outdoor noise levels greater than 60 dBA Leq associated with vehicle traffic.

- a. **Mitigation** - None determined needed.
- b. **Findings** – The County Noise Element includes a process for new residential development to follow to achieve acceptable noise levels.
- c. **Supportive Evidence** - Please refer to pages V.I-1 through V.I-21 of the Final EIR.

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NS Impact 15. Construction occurring as part of the Nipomo Mesa area cumulative development scenario could temporarily produce noise levels ranging from 70 to 95 dBA at 50 feet from the source, potentially affecting adjacent sensitive land uses.

- a. **Mitigation** - None determined needed.
- b. **Findings** – The existing County Noise Ordinance requirements limit such activities to between 7 am and 9 pm Monday through Friday and between 8 am and 5 pm on Saturday and Sunday for all development projects. In addition, where discretionary projects would result in loud and long duration construction noise, additional temporary measures such as Noise Reduction Plans are commonly required.
- c. **Supportive Evidence** - Please refer to pages V.I-1 through V.I-21 of the Final EIR.

NS Impact 16. Cumulative development in the Nipomo Mesa area placed within close proximity of rail and air traffic operations would expose sensitive land uses (residences) to intermittently high noise levels.

- a. **Mitigation** - None determined needed.
- b. **Findings** – The County Noise Element includes a process for new residential development to follow to achieve acceptable noise levels.
- c. **Supportive Evidence** - Please refer to pages V.I-1 through V.I-21 of the Final EIR.

V. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE (Class II)

Class II impacts are those which are significant, but they can be mitigated to insignificance by implementation of certain mitigation measures.

1. Water Resources

WR Impact 5. Development under the 2.3 percent community-specific growth cap would place annually increasing demands on the groundwater supply of the Nipomo Mesa, which is currently at the estimated limit of sustainable yield.

- a. **Mitigation - WR/mm-2.** Prior to annual distribution of building allocations, the County shall, to the extent feasible, not distribute unused allocations to communities with a recommended level of severity of II or III in the most recent report of the County Resource Management System.

WR/mm-3. Prior to annual distribution of building allocations, the County shall continue to require that applicants for building permits submit proof that they can produce a reliable water supply or have obtained a “Will Serve” letter for their project.

WR/mm-4. During project review, the County shall require the use of indoor/outdoor water conservation techniques to help offset proposed future projects anticipated water demand.

WR/mm-5. The County shall adopt the recommendations contained in the latest Resource Capacity Study.

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In response to the RCS efforts, the Board of Supervisors approved the following measures to reduce water usage in the Nipomo Mesa Water Conservation area (see attached figure 20-1):

- 1) add an areawide standard to require requests for General Plan Amendments and land divisions within the Nipomo Mesa Water Conservation Area (NMWCA) to demonstrate either that no increase in water use would result from the proposed development or to provide supplemental water to offset any projected increase; and,
 - 2) add an areawide standard to increase the number of projects in the NMWCA subject to low water use landscape requirements; and,
 - 3) amend the South County (Inland) Area Plan to add a service program indicating the county's intent to adopt a supplemental water development fee for development resulting from land divisions within the NMWCA; and,
 - 4) amend the Building and Construction Ordinance (Title 19 of the County Code) to require inclusion of specific indoor and outdoor water conservation measures for all new development in the NMWCA.
- b. **Findings** - Changes or alterations have been required in, or incorporated into, the project, which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** - Please refer to pages V.B-1 through V.B.41 of the Certified EIR. For the purpose of water planning, as stated in the 2005 Resource Management System Annual Resource Summary Report, the Woodlands Village Specific Plan has received certification of its own 20-year water supply analysis, and that this area is not to be considered a part of the Nipomo Mesa Area. Given that the Nipomo area is currently recognized at LOS II and III for several issues, WR/mm-2 is not being proposed to be added to the GMO.

WR Impact 7. Cumulative development in the Nipomo Mesa area would potentially create the demand for new water delivery/storage infrastructure.

- a. **Mitigation - WR/mm-1.** During project review, the County shall continue to require connection fees, which cover the system improvements that are needed to accommodate the additional requested service. These fees will help fund necessary infrastructure improvements to water collection/delivery networks for projects that would originate out of the Previous Unused Allocations Amendment.
- b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** - Please refer to pages V.B-1 through V.B.41 of the Certified EIR. For the purpose of water planning, as stated in the 2005 Resource Management System Annual Resource Summary Report, the Woodlands Village Specific Plan has received certification of its own 20-year water supply analysis, and that this area is not to be considered a part of the Nipomo Mesa Area.

2. Cultural Resources

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CR Impact 3 Accelerated growth resulting from the GMO amendments has the potential to impact historic resources either through direct impacts to the resources themselves or impacts to their immediate surroundings.

- a. Mitigation - CR/mm-5.** As required by Land Use Ordinance Section 22.14.080 and Coastal Zone Land Use Ordinance Sections 23.07.100 through 23.07.102, the County shall protect archaeological resources, historic structures, and sites by requiring new uses and alterations to existing uses to be designed with consideration for preserving and protecting these resources. This includes requiring minimum parcel sizes, identifying the required findings for approval, and implementing design requirements for those areas within a historic combining designation.

CR/mm-6. At the time of application for construction permits for discretionary projects requiring environmental review, the County shall require an archaeological surface survey, conducted by a qualified archaeologist approved by the Environmental Coordinator, that assesses the potential impacts of all ground disturbing activities (e.g. access roads, driveways, residences, utility trenches) on those parcels that:

- Are located within a designated Historic combining designation;
- Contain designated historic sites;
- Are located in an area of known historic resources; or,
- Contain structures greater than 50 years old.

- b. Findings -** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

- c. Supportive Evidence -** Please refer to pages V.E-1 through V.E.20 of the Certified EIR.

3. **Agricultural Resources**

AG Impact 2. Conversion of prime agricultural land to non-agricultural uses could occur within the Nipomo Mesa area as a result of the distribution of previous unused building allocations and subsequent development.

- a. Mitigation - AG/mm-1.** Prior to distribution of allocations in the Nipomo Mesa Area, the County shall implement an allocation screening procedure that requires that unused allocations shall not be granted to those parcels that are:

- Within the Agricultural Land Use category, as identified on the County's Official Maps;
- Located on Class I or Class II soils with adequate acreage for agricultural production; and/or,
- Identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the most recent Important Farmland maps prepared by the California Department of Conservation is proposed for conversion to urban uses.

- b. Findings -** Changes or alterations have been required in, or incorporated into, the project, which mitigate or avoid the significant effects on the environment to a level of insignificance.

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- c. **Supportive Evidence** - Please refer to pages V.F-1 through V.F-17 of the Certified EIR. While no screening procedure is in place or proposed as a part of these GMO amendments, there is very little acreage within the Nipomo Mesa Area that is: designated as Agriculture, or has Class I or II soils.

4. **Air Quality**

AQ Impact 14. Development occurring under the Nipomo Mesa cumulative development scenario would result in grading activities that may expose naturally occurring asbestos.

- a. **Mitigation - AQ/mm-3.** During individual project review of discretionary projects, the County shall evaluate for naturally occurring asbestos, and when applicable, require the implementation of existing APCD policies and Best Management Practices concerning naturally occurring asbestos including:

- Conducting a geologic analysis in any area thought to contain the presence of serpentine or ultramafic rock;
- Preparing an Asbestos Health and Safety Program and an Asbestos Dust Control Plan, approved by the ACPD, if naturally occurring asbestos is found at any project site.

- b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

- c. **Supportive Evidence** - Please refer to pages V.H-1 through V.H-28 of the Certified EIR.

AQ Impact 15. Development occurring under the Nipomo Mesa cumulative development scenario would result in potential short-term air quality impacts associated with ROG and NOx emissions from construction activities.

- a. **Mitigation - AQ/mm-4.** During individual review of discretionary projects, the County shall continue requiring the implementation of APCD construction activity Policies, Plans, and Measures as specified in the 2003 CEQA Air Quality Handbook.

AQ/mm-5. During individual review of discretionary projects, the County shall continue requiring applicants, as applicable, to obtain all appropriate APCD permits such as a permit to operate portable engines prior to commencement of construction.

- b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

- c. **Supportive Evidence** - Please refer to pages V.H-1 through V.H-28 of the Certified EIR.

AQ Impact 16. Development occurring under the Nipomo Mesa cumulative development scenario would result in potential air quality impacts associated with PM10 emissions from construction activities.

- a. **Mitigation - AQ/mm-6.** During individual review of discretionary projects, the County shall continue requiring the implementation of all standard APCD dust control mitigation measures as specified in the 2003 CEQA Air Quality Handbook throughout all construction phases of individual projects to reduce the potential to generate nuisance problems and maintain PM10 emissions below the APCD's mitigation threshold.

b. Findings - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence - Please refer to pages V.H-1 through V.H-28 of the Certified EIR.

5. Noise

NS Impact 14. Cumulative developments in the Nipomo Mesa area would potentially result in the construction of noise-sensitive land uses (residential) near existing or planned stationary noise sources.

a. Mitigation - NS/mm-1. Prior to annual distribution of unused allocations, the County should;

- Amend the Noise Element to determine the location of any additional stationary noise sources and their contours Countywide;
- Implement the policies contained within the County Noise Element pertaining to stationary noise sources. The County Noise Element contains goals, policies, and action items to address the prevention and reduction of unwanted stationary noise. County Noise Element goals, policies, and action items would reduce stationary noise effects at a programmatic level.

b. Findings - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence - Please refer to pages V.I-1 through V.I-21 of the Certified EIR. No additional loud stationary noise sources are known to exist within the Nipomo Mesa area.

6. Public Services

PS Impact 11. Cumulative development of the Nipomo Mesa area would increase residential densities and introduce additional population and structures into high fire hazard areas, increasing the demand for fire protection.

a. Mitigation - PS/mm-2. During project review and prior to issuance of building permits, the CDF shall continue to review plans to assure adequacy of access for equipment, water supplies, and construction standards.

PS/mm-3. Prior to annual distribution of allocations, the County shall implement Goal S-4 and Policies S-13 through S-16 containing fire safety standards within the County Safety Element. Special attention should be given to those areas particularly susceptible to high fire hazards.

PS/mm-4 On a continual basis, the CDF shall continue to maintain Mutual and Automatic Aid Agreements with other regional fire prevention and law enforcement agencies.

b. Findings - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

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- c. **Supportive Evidence** - Please refer to pages V.J-1 through V.J-45 of the Certified EIR that relates to fire protection.

PS Impact 12. Cumulative development of the Nipomo Mesa area could accelerate additional residential population into the County, increasing the demand for police protection.

- a. **Mitigation - PS/mm-5.** The County shall continue to require Public Facilities fees for all applicable new developments in order to fund capital improvement projects.
- b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** - Please refer to pages V.J-1 through V.J-45 of the Certified EIR.

VI. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE (Class I)

The unavoidable significant impacts of the project are found to be acceptable due to overriding considerations (See Section VII). The findings below are for Class I impacts as identified in the GMO EIR, where implementation of the project may result in the following significant, unavoidable environmental impacts:

A. WATER RESOURCES (Class I)

1. **WR Impact 8.** Cumulative development in the Nipomo Mesa area would create an increased domestic water demand of approximately 2,072 AFY for non-agricultural uses, and 3,180 AFY from agricultural demand, which would create an unsustainable yield from the Nipomo Mesa sub-basin of the Santa Maria Groundwater Basin.

- a. **Mitigation - WR/mm-3.** Prior to annual distribution of building allocations, the County shall continue to require that applicants for building permits submit proof that they can produce a reliable water supply or have obtained a "Will Serve" letter for their project.

WR/mm-4. During project review, the County shall require the use of indoor/outdoor water conservation techniques to help offset proposed future projects anticipated water demand.

WR/mm-5. The County shall adopt the recommendations contained in the latest Resource Capacity Study.

In response to the RCS efforts, the Board of Supervisors approved the following measures to reduce water usage in the Nipomo Mesa Water Conservation area (see attached figure 20-1):

- 1) add an areawide standard to require requests for General Plan Amendments and land divisions within the Nipomo Mesa Water Conservation Area (NMWCA) to demonstrate either that no increase in water use would result from the proposed development or to provide supplemental water to offset any projected increase; and,
- 2) add an areawide standard to increase the number of projects in the NMWCA subject to low water use landscape requirements; and,

- 3) amend the South County (Inland) Area Plan to add a service program indicating the county's intent to adopt a supplemental water development fee for development resulting from land divisions within the NMWCA; and,
 - 4) amend the Building and Construction Ordinance (Title 19 of the County Code) to require inclusion of specific indoor and outdoor water conservation measures for all new development in the NMWCA.
- b. Findings** - Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
- c. Supportive Evidence** – Please refer to the GMO Certified EIR, pages V.B-1 through V.B-41. For the purpose of water planning, as stated in the 2005 Resource Management System Annual Resource Summary Report, the Woodlands Village Specific Plan has received certification of its own 20-year water supply analysis, and that this area is not to be considered a part of the Nipomo Mesa Area.

B. AIR QUALITY (Class I)

1. **AQ Impact 13.** ROG, NOx, PM10, and CO resulting from operational emissions of the residential development occurring under the Nipomo Mesa cumulative development scenario would have a substantial long-term air quality impact, exceeding APCD Tier III thresholds for operational emissions.
 - a. Mitigation - AQ/mm-1.** During individual project review, the County shall implement the policies and programs of the documents Creating Transportation Choices Through Development Design and Zoning (Guide) and Appendix E of the APCD's Clean Air Plan, Land Use and Circulation Management Strategies, as applicable, on a project-specific basis.
 - AQ/mm-2.** During individual project review, the County APCD shall continue to be consulted to determine appropriate operational emissions-related mitigation measures on a project-specific basis. Mitigation measures defined in the latest CEQA Air Quality Handbook shall be implemented as applicable and programs for monitoring and reporting shall continue to be implemented as necessary.
 - b. Findings** - Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
 - c. Supportive Evidence** – Please refer to the GMO Certified EIR, pages V.H-1 through V.H-27.

C. PUBLIC SERVICES (Class I)

1. **PS Impact 11.** Cumulative development of the Nipomo Mesa area would increase residential densities and introduce additional population and structures into high fire hazard areas, increasing the demand for fire protection.

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- a. **Mitigation - PS/mm-2.** During project review and prior to issuance of building permits, the CDF shall continue to review plans to assure adequacy of access for equipment, water supplies, and construction standards.

PS/mm-3. Prior to annual distribution of allocations, the County shall implement Goal S-4 and Policies S-13 through S-16 containing fire safety standards within the County Safety Element. Special attention should be given to those areas particularly susceptible to high fire hazards.

PS/mm-4. On a continual basis, the CDF shall continue to maintain Mutual and Automatic Aid Agreements with other regional fire prevention and law enforcement agencies.

- b. **Findings** - Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

- c. **Supportive Evidence** – Please refer to the GMO Certified EIR, pages V.J-1 through V.J-45.

2. **PS Impact 12.** Cumulative development of the Nipomo Mesa area could accelerate additional residential population into the County, increasing the demand for police protection.

- a. **Mitigation - PS/mm-5** The County shall continue to require Public Facilities fees for all applicable new developments in order to fund capital improvement projects.

- b. **Findings** - Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

- c. **Supportive Evidence** – Please refer to the GMO Certified EIR, pages V.J-1 through V.J-45.

3. **PS Impact 13.** Cumulative development in the Nipomo Mesa area would generate 355.3 new students in the K-5 grade levels, 140.8 students in the 6-8 grade levels, and 193.5 high school students in the Lucia Mar Unified School District as a result of the GMO, exacerbating existing overcrowding conditions in the district elementary and middle schools that are already operating beyond maximum capacity.

- a. **Mitigation** – In 1998, the state passed legislation that established a base rate to be applied to new development to offset their impacts from new development. This legislation also allowed each school district to increase the fee from the base rate as long as the district prepared a plan and met certain requirements. Lucia Mar has prepared such a plan and is collecting the maximum amount allowed. However, this has not provided sufficient funding to keep pace with a growing area. No additional mitigation is available.

- b. **Findings** - Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

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- c. **Supportive Evidence** – Please refer to the GMO Certified EIR, pages V.J-1 through V.J-45.

D. TRANSPORTATION/CIRCULATION (Class I)

1. **TC Impact 6.** The Nipomo Mesa Area cumulative development scenario would result in increased demands for traffic and circulation facilities within the Nipomo Mesa, which may not be accommodated by existing facilities.
- a. **Mitigation** - Development within the Nipomo Mesa area is currently required to pay fair-share fees for County road improvement projects identified in the South County Circulation Study.

Based on recent information and public testimony provided by the Public Works Department, they are in the process of developing a program where the following will be implemented to return those areas identified with unacceptable “Levels of Service” to acceptable levels within the next four years:

- Increase the existing circulation fee for South County;
 - Revise the payment timing from prior to building permit issuance to prior to land use or subdivision permit approval; and
 - For Area 1 (around Nipomo) development include a surcharge that would be either in the form of an additional fee (small projects), or, for larger projects, the development would need to choose from a list of specified improvements near the Tefft St./Highway 101 area to improve the LOS, and require installation of that improvement.
- b. **Findings** - Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
- c. **Supportive Evidence** – Please refer to the GMO Certified EIR, pages V.G-1 through V.G-21

VII. STATEMENT OF OVERRIDING CONSIDERATIONS
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Findings pursuant to CEQA Guidelines sections 15093 and 15092.

- A. The project’s significant, unmitigable, unavoidable adverse effects are as follows:
1. Cumulative development in the Nipomo Mesa area would create an increased domestic water demand of approximately 2,072 AFY for non-agricultural uses, and 3,180 AFY from agricultural demand, which would create an unsustainable yield from the Nipomo Mesa sub-basin of the Santa Maria Groundwater Basin.
 2. ROG, NOX, PM10, and CO resulting from operational emissions of the residential development occurring under the Nipomo Mesa cumulative development scenario would have a substantial long-term air quality impact, exceeding APCD Tier III thresholds for operational emissions.

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3. Cumulative development of the Nipomo Mesa area would increase residential densities and introduce additional population and structures into high fire hazard areas, increasing the demand for fire protection.
4. Cumulative development of the Nipomo Mesa area could accelerate additional residential population into the County, increasing the demand for police protection.
5. Cumulative development in the Nipomo Mesa area would generate 355.3 new students in the K-5 grade levels, 140.8 students in the 6-8 grade levels, and 193.5 high school students in the Lucia Mar Unified School District as a result of the GMO, exacerbating existing overcrowding conditions in the district elementary and middle schools that are already operating beyond maximum capacity.
6. The Nipomo Mesa Area cumulative development scenario would result in increased demands for traffic and circulation facilities within the Nipomo Mesa, which may not be accommodated by existing facilities.

B. Findings - The Board of Supervisors has weighed the benefits of the proposed project against its unavoidable environmental impacts. Based on the consideration of the record as a whole, the Planning Commission (recommends that the Board of Supervisors) find that the benefits of the project outweigh the unavoidable adverse environmental impacts to the extent that the unavoidable adverse environmental impacts become "acceptable".

C. Supporting Evidence

1. Social and Economic Benefits. The project would result in the following social and economic benefits:
 - a. Providing greater flexibility of internal distribution of allocations in any given year will allow the county to better respond to changing trends of residential development, which will better accommodate growth in the county;
 - b. Providing greater flexibility of internal distribution of allocations in any given year will potential increase the number of allocations to be received by any one particular project which could reduce the time needed for project completion, as well as improve project financing options;
 - c. Establishing the use of smart growth policies for additional allocations in the Nipomo area will better preserve rural areas and reduce urban sprawl, as well as minimize future urban impacts on traffic, air quality, water and biological resources.
2. Mitigation Enhancement. The project would result in the following environmental benefits:
 - a. Reducing the Cambria growth cap from 1% to 0% will reduce impacts on water, biological resources, archaeological resources, traffic, air quality and aesthetics.

VIII. CEQA GENERAL FINDINGS

A. The Board of Supervisors find that changes or alterations have been incorporated into the project to mitigate or avoid significant impacts to the greatest degree practicable. These changes or alterations include mitigation measures and project modifications outlined herein and set forth in more detail in the Growth Management Ordinance Amendment Certified EIR and EIR

Addendum.

- B. The Board of Supervisors finds that the project, as approved, includes an appropriate Mitigation Monitoring Program. This mitigation monitoring program ensures that measures that avoid or lessen the significant project impacts, as required by CEQA and the State CEQA Guidelines, will be implemented as described.

IX. MITIGATION MONITORING PROGRAM

- A. In this case, the proposed measures to be followed by future development are predominately existing regulations. Therefore, no monitoring will be necessary until such time that a specific project is proposed. The County Department of Planning and Building, Planning and Environmental Divisions, will assist future project proponents in the mitigation measure compliance effort. Mitigation measures will be programmed to occur at, or prior to, the following milestones:
1. Prior to issuance of construction permit/vegetation removal. These are measures that need to be undertaken before earth moving activities begin. These measures include items such as staking the limits of environmentally sensitive areas or vegetation to remain, confirming biological mitigation plans with resource agencies, and including pertinent design details in the project plans.
 2. During project construction/vegetation removal. These measures are those that need to occur as the project is being constructed or the vegetation being removed. They include monitoring the construction site for the proper implementation of dust and emission controls, erosion controls, biological protection, and examining grading areas for the presence of cultural materials.
 3. Prior to completion of construction. These measures apply to project components that would go into effect at completion of the project construction phase, including items such as management or monitoring plans (e.g., revegetation, etc.). In order for the plan to be available for use at project completion, it will need to be prepared and completed before project construction is finished.
 4. At the time of project completion/During operation of the project. These are active measures that will commence upon completion of the construction phase and, in most cases, will continue through the life of the project.
 5. Prior to approval of discretionary or building permit and/or recordation of the final map.
 6. Prior to occupancy or final inspection of the development.
 7. Prior to encroachment permit.

Connecting each of the mitigation measures to these milestones will integrate mitigation monitoring into existing County processes, as encouraged by CEQA. In each instance, implementation of the mitigation measure will be accomplished in parallel with another activity associated with the project.

- B. As lead agency for the Growth Management Ordinance Amendment Certified EIR and GMO Amendment EIR Addendum, the Board of Supervisors hereby certifies that the approved Mitigation Monitoring Program is adequate to ensure the implementation of the mitigation measures described herein.

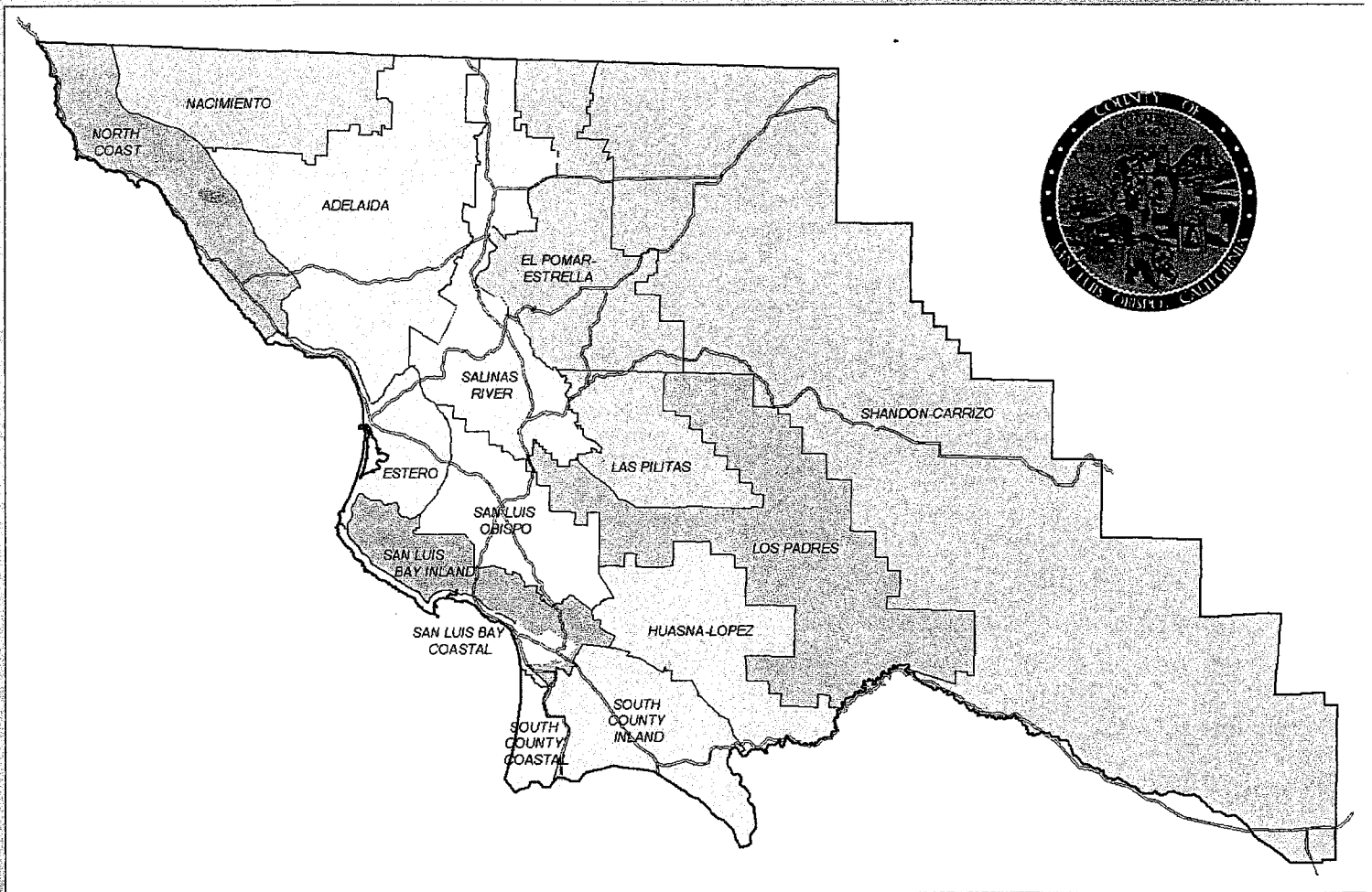
ATTACHMENT 1-D

Addendum

C. 6

ADDENDUM to
FINAL
ENVIRONMENTAL IMPACT REPORT
for the
GROWTH MANAGEMENT ORDINANCE (TITLE 26) AMENDMENTS

SCH. No. 2002051075



Prepared by

County of San Luis Obispo
Department of Planning and Building
San Luis Obispo, CA 93408

April, 2006

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ADDENDUM to

FINAL

ENVIRONMENTAL IMPACT REPORT

for the

GROWTH MANAGEMENT ORDINANCE (TITLE 26) AMENDMENTS

SCH. No. 2002051075

Prepared by

County of San Luis Obispo

Department of Planning and Building

San Luis Obispo, CA 93408

April, 2006



ADDENDUM to FINAL EIR for the Growth Management Ordinance (Title 26) Amendments

1.0 INTRODUCTION

A. Project Description

On February 28, 2006, the Board of Supervisors authorized staff to process several GMO amendments. The County of San Luis Obispo is requesting to amend the Growth Management Ordinance, Title 26 of the County Code, to maintain the county-wide growth rate at 2.3% and the Nipomo Mesa Area rate at 1.8%, and set the Cambria growth rate at 0%. In addition, other changes include:

1. Redefine/refine the categories listed in the Growth Management Ordinance (i.e. single family vs. multi-family/planned development).
2. Revise percentages reserved for each category to reflect current trends.
3. Increase the percent allowed to any one developer for projects that meet certain criteria, such as smart growth, green build, etc.
4. For Nipomo Mesa Area, allow additional units to be allocated between the 1.8% and the 2.3% growth rate for projects that meet the criteria listed above.
5. For areas with waiting time for allotment selection of more than 18 months, allow application for an allotment once the land use permit is approved/subdivision is recorded rather than requiring full working drawings to be developed and submitted prior to application for an allotment.
6. Clarify Growth Management ordinance to include requirement of approval of any applicable land use permit in addition to full construction permit application in order to apply for allotment.
7. For the Cambria area, consider reducing the current growth rate of 1% to 0%
8. Update an incorrect ordinance reference in section 26.01.034b.

The proposed project includes specific measures that affect Nipomo and Cambria, with other measures having countywide applications.

B. Environmental Document

The proposed GMO amendments are subject to CEQA. This Addendum and the 2006 Final EIR for the GMO make up the environmental documents for the above-mentioned GMO revisions.

C. Background

On April 4th, 2006, the Final EIR for the GMO amendments was certified. The EIR addressed the following potentially related amendments:

- Amend the GMO to accommodate the distribution of up to 2,596 unused building allocations based on a priority system that incorporates the following: smart growth principles, communities emerging from moratoriums, specific plan developments, and affordable housing projects;
- Amend the GMO to accommodate a 10 percent annual carryover of any unused future allocations, to be distributed through a "smart growth" priority system;

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- Amend the GMO to accommodate an affordable housing exemption to increase the incentives for the development of low-income and moderate-income housing projects;
- Amend the GMO to reformulate how allocations are made available to applicants by redefining the allocation categories. The EIR considered the following alternative minimum thresholds:
 - A new development with 10% of its “base density” units for very low income households, or
 - 20% for low income households, or
 - 50% for moderate income senior households, or
 - 20% of units in a condominium project for moderate income households;
- Retaining growth caps in Nipomo at 2.3% and Cambria at 1.0%.

D. EIR Addendum

Per Section 15164 of the CEQA Guidelines, an Addendum to a previously-certified EIR may be prepared, where:

- Some changes or additions are necessary but none of the conditions described in Section 15162 (see Appendix A) calling for preparation of a subsequent EIR have occurred;
- An addendum need not be circulated for public review but can be included in or attached to the final EIR;
- The decision making body shall consider the addendum with the final EIR prior to making a decision on the project; and
- A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 (see Appendix A) is included in the addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record.

The purpose of this EIR addendum is to show how each of the proposed changes: 1) fit within the analysis of the previously certified EIR, 2) is not substantially different than what was evaluated in the certified EIR, or 3) is considered an additional mitigation measure to reduce potential impacts.

2.0 ENVIRONMENTAL ANALYSIS

The following analysis will look at each of the proposed amendments and either compare with the previously certified EIR, or show how the proposed change does not result in any substantial change from what was considered in the certified EIR. Proposed Growth Management Ordinance text relating to each of these items can be found in Exhibit B.

2.1. *Redefine/refine the categories listed in the Growth Management Ordinance*

Background. Currently, the County’s Residential Multi-Family/Planned development category includes all cluster developments (including agricultural clusters and other rural clusters), the residential component of mixed use-projects (although this is not specifically called out), phased projects, and more traditional multi-family apartments/condos on RMF-zoned property.

The definitions of allocations/allotments assigned to the two primary categories, single family “mom and pop” house-builders and the multi-family/planned developments, adequately addressed the trends being experienced in the early 1990’s, when the definitions were

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established. Since that time, however, trends and development proposals have changed to reflect market demand and land availability and these categories are no longer aligned with the types of development currently being proposed. Most subdivisions in areas with any environmental concerns (i.e. slopes, trees, endangered species, grading, etc.) are required to cluster lots in less sensitive areas of the site being developed. For example, a traditional rural residential subdivision layout that would have resulted in square-shaped, 5-acre lots, is now being approved with the same density, but with a layout of clustered smaller lots/building areas and a larger open-space area. These types of developments are not consistent with what was originally envisioned for multi-family/ planned developments, but administratively, since they are clustered lots, the subsequent development has been allocated from the multi-family/ planned development category, rather than the residential single family category due to the definition of "Planned Development" that is listed in Title 26, the Growth Management Ordinance.

Section 26.10.050(b)(7) of Title 26 defines Planned Development as:

A project based on a comprehensive, unified site design that will include a phasing schedule specifying the time period over which the project will be built and the number of dwelling units to be built in each phase, and meeting the following criteria: each phase will provide the necessary services and infrastructure so as to be both self-supporting as well as integrated into the whole project, including specifying the standards for land use and related improvements (i.e. streets, utilities, public and private open space, buffers, etc.) plus responsibilities for their installation, ownership and maintenance; the overall project is characterized by creative and innovative design features and a variety of housing types. Such projects are to be approved as cluster divisions or agricultural cluster projects under the provisions of Title 22 or 23 of the County Code, approved through a development plan, approved through a Specific Plan adopted by the County in accordance with the California Government Code, or covered by a development agreement approved by the Board of Supervisors."

Most of the subdivisions considered in the recent past that include cluster arrangements have done so to accommodate specific site concerns and do not fit the intent of the definition of "planned development": They are generally proposed as a single-phase development; include standard services and amenities; and do not propose more than a single housing type.

Proposed Amendment. An ordinance amendment to Title 26 is proposed that would clarify the RMF/ Planned Development definition as follows:

1. Outside the urban/village reserve lines, residential and agricultural cluster subdivision developments will not be considered a multi-family/planned development allotment purely based upon the fact that the project is clustered.
2. Within urban and village reserve lines, the definition for multi-family/ planned development be redefined to specifically include the residential part of mixed use projects, in addition to clarifying the category include projects involving multiple units on a single site (or one proposed for subdivision as a PUD or condo project) on property zoned RMF, CR, or OP.

Environmental Analysis/Conclusions. None of the proposed changes relating to this amendment would result in an increase to the rate of development or the yearly allotment currently allowed for the Nipomo Area. Therefore, no additional environmental impacts are

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anticipated should this amendment be approved. The GMO EIR did not identify the need for any mitigation measures relating to this proposed amendment.

In addition, all future clustering and planned development projects will be subject to project-specific discretionary permit approval, which will include individual environmental analysis under CEQA. At such time, individual impacts will be thoroughly evaluated for site-specific impacts.

2.2. *Revise percentages reserved for each category to reflect current trends.*

Background. The current distribution of percentages guaranteed for each category is 20% for multi-family/planned development and 80% for single-family development. The following chart shows the demand for allotments over the last 5 years for the County and for the Nipomo Mesa. The numbers listed for the Nipomo Mesa are subsets of the total county year's allotments. For example, the 89 allotments listed as used for the Nipomo Mesa in 2006 to date are part of the 459 county allotments used and are not in addition to those numbers. The percentages listed reflect the allotments requested in each category out of the number of allotments used, not a percent of the total allotments available for the year.

	Area	Single Family #	Single Family %	Multi-Family #	Multi-Family %	Total # Used	Total # Avail
2006 to date ¹	County	268	58%	191	42%	459	1101
	Nipo Mesa	58	65%	31	35%	89	122
2005	County	495	75%	161	25%	656	1098
	Nipo Mesa ²	87	54%	73	46%	160	160
2004	County	842	76%	260	24%	1102	1454
	Nipo Mesa	82	46%	96	54%	178	203
2003	County	609	75%	200	25%	809	1454
	Nipo Mesa	51	38%	83	62%	134	203
2002	County	589	62%	358	38%	947	947
	Nipo Mesa	82	65%	45	35%	127	127

¹ It should be noted that there is a waiting list for Multi-Family allotments of approximately 115 dwelling units. If the remaining un-allocated units from single family were to be transferred to multi-family, the percentage at the end of the year would be 52% single family and 48% multi-family for FY 2006 for the Nipomo Mesa Area.

While the countywide percentage has topped out at 76% for single-family allotments (of allotments used), the Nipomo Mesa percentage for single family hasn't been above 65% and has averaged around 54%. While county staff is able to administratively move allotments between categories, it would be more efficient if the starting percentages more accurately reflected the state of the demand for allotments.

Part of this demand is based upon the current definition of the categories, as discussed in the prior section, and part is a reflection of the changing nature of the type of development that is being proposed in response to available land and market demand.

Proposed Amendment. An ordinance amendment to Title 26 is proposed that would change these percentages to 65% for single family and 35% for multi-family.

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Environmental Analysis/Conclusions. The GMO EIR included an analysis of internal modification of the percentages to be applied countywide on single-family and multi-family residences allocations. The EIR concluded that proposed changes relating to this amendment would not result in an increase to the rate of development or the yearly allotment currently allowed for the Nipomo Area. While the proposed amendment suggests different percentages between these two categories from what was evaluated in the EIR, the overall impact of residential development on environmental resources would either have no discernable difference or may be slightly reduced for certain aspects (e.g., traffic generation is less for multi-family, water usage is typically less for multi-family, less area of disturbance associated with multi-family, etc.) Therefore, the EIR's analysis and conclusion would remain valid. Also, this change is considered consistent with what was previously evaluated in the Final EIR, and no additional environmental impacts are anticipated should this amendment be approved. The GMO EIR did not identify the need for any mitigation measures relating to this proposed amendment.

2.3 *Increase the percent allowed to any one developer for projects that meet certain criteria, such as smart growth, green build, etc.*

Background. Currently, only 5% of the total allotments are available to any one person/entity on a county-wide basis. For 2006, this means any one person/developer can get up to 63 units in the county-wide area. In the Nipomo Mesa Area, the percentage was raised to 10% to address the limited numbers of allotments available for this area. Even at this rate, 10% of 122 units for the Nipomo Mesa Area means there are only 12 allotments available per year to any one project or developer. The limited numbers of allotments available to any one project/developer has created problems for some mixed use or larger multi-family developments in the Nipomo Mesa Area: Developers are not able to obtain sufficient allotments at one time to build the projects in a timely manner; and project applicants have identified that since they must accumulate allotments over a period of so many years, the projects become financially infeasible.

Proposed Amendment: An ordinance amendment to Title 26 is proposed to change the limits of any one project/developer in the Nipomo Mesa Area to 20% of the annual allotments for projects that meet criteria of smart growth, mixed use, or LEED certified (or equivalent) green build.

Environmental Analysis/Conclusions. The GMO EIR included an analysis of internal modification to allow a greater allotment percentage be applied to a single developer. The EIR concluded that proposed internal changes, such as what is being proposed in this amendment, would not result in an increase to the rate of development or the yearly allotment currently allowed for the Nipomo Area. While the proposed amendment suggests a different percentage for single developer from what was evaluated in the EIR, the overall impact of residential development on environmental resources would have no discernable difference when compared to what is currently allowed. This proposed amendment is consistent with what was previously evaluated in the Final EIR. Therefore, no additional environmental impacts are anticipated or mitigation measures should this amendment be approved. The GMO EIR did not identify the need for any mitigation measures relating to the similarly proposed amendment.

2.4. *For Nipomo Mesa Area, allow additional units to be allocated between the 1.8% and the 2.3% growth rate for projects that meet the criteria listed above.*

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Background. The growth rate for the Nipomo Mesa Area was lowered last year to formally recognize the resource constraints being experienced in the area. The impact of this lower growth rate (it reduced from 160 units in 2004-2005 [2.3% growth rate] to 122 units available for 2005-2006[1.8% growth rate]) has resulted in further delay of constructing projects that fit into the Residential Multi-Family category. Since any one developer can only obtain 10% of the allotments for the area, this means that only 12 units per year may be accumulated for a residential development.

Last year, the Board also adopted a number of “smart growth” principles, which included one measure that promotes high-density residential development within urban boundaries.

The county has recently approved in the Nipomo area several high-density residential projects that meet the smart growth goals established by the Board.

Based on the most recent evaluations by the Public Works Department, there are several areas of county roadways that are operating at unacceptable levels (LOS E & F near the Tefft St./Highway 101 interchange). The solutions determined from this analysis include the following: 1) obtain the necessary rights-of-way to create improved freeway ingress/egress; 2) require new development to install “fair share” improvements at the time of development (instead of paying a fee for future improvements); and for new projects installation of such improvements be done near the time of project approval.

If built, the previously-approved projects would be able to provide the necessary right-of-way for a new Tefft Street/101 southbound freeway on/off-ramps, and installation of several other traffic reducing measures.

The “smart growth” project applicants have indicated that financing for these projects is unlikely or infeasible if the existing small number of allotments (resulting in 4 to 6 year delays or longer) per single developer is not increased. However, if these projects are given priority under the existing system, other approved or “pipeline” projects within the Nipomo area list will be further delayed.

Proposed Amendment: An ordinance amendment to Title 26 is proposed to apply any previous year’s unused allotments (with a 2.3% overall growth cap for the Nipomo Area) for projects that meet smart growth; mixed use, and LEED certified green build criteria for the Nipomo Mesa Area.

By capturing these previously unused allotments, making up the difference between the 1.8% and the 2.3% growth rate, these “desirable” projects could move forward without affecting the rest of the builders in the community.

Environmental Analysis/Conclusions

Water Resources. The GMO EIR included an analysis of the Nipomo Area growth rate at the 2.3% level. The following cumulative significant effects (Class I) were recognized as development continues at this rate in the Nipomo Area for water availability.

The EIR recommended several mitigation measures be included should the Nipomo growth rate continue at the 2.3% rate. The following describes each of these measures and a subsequent discussion on the appropriateness of each measure being carried forward with this amendment.

EIR Mitigation Summary – Water Resource Mitigation Measure #2. This measure recommends that the County, to the extent feasible, not distribute unused allocations to communities with a recommended level of severity of II or III for water, as cited in the

most recent report of the County Resource Management System. The proposed amendment would favor development within the Nipomo urban area, which is served primarily by the Nipomo CSD for water and sewer.

MM#2 Recommendation. While the Nipomo Area has recently been assigned a Level of Severity III several items are in motion to address this issue and substantially improve water availability on the Mesa. First, the county has recently adopted a number of measures to be applied to projects to reduce water consumption from new development. (see following discussion under Water Resource Mitigation Measure #5): In addition, the Nipomo CSD is actively pursuing an additional water source (piping water from Santa Maria). Once funded and in place, several thousand acre-feet/year will become available for development in the Nipomo area. The District has also approved several long-range policies to reduce existing water consumption by 15% within the next 10 years. Lastly, most mixed use development and many multi-family projects will be subject to discretionary permit approvals, which will provide additional opportunities to further evaluate water impacts

Based on these conditions that substantial efforts are being made to reduce water consumption impacts in the Nipomo area, combined with the small number of additional units potentially

EIR Mitigation Summary – Water Resource Mitigation Measure #5. This measure recommends that the County adopt the recommendations contained in the latest Resource Capacity Study prepared for the Nipomo subarea of the Santa Maria groundwater basin.

MM#5 Recommendation. Based on the completed Resource Capacity Study, the County is bringing forward recommendations to reduce water consumption in the Nipomo area. The following is a summary of these recommendations:

1. Add an areawide standard to require requests for General Plan Amendments and land divisions within the Nipomo Mesa Water Conservation Area (NMWCA) to demonstrate either that no increase in water use would result from the proposed development or to provide supplemental water to offset any projected increase;
2. Add an areawide standard to increase the number of projects in the NMWCA subject to low water use landscape requirements;
3. Amend the South County (Inland) Area Plan to add a service program indicating the county's intent to adopt a supplemental water development fee for development resulting from land divisions within the NMWCA; and,
4. Amend the Building and Construction Ordinance (Title 19 of the County Code) to require inclusion of specific indoor and outdoor water conservation measures for all new development in the NMWCA.

Incorporation and implementation of these measures will reduce water consumption impacts. However, the EIR identifies that these measures would not be sufficient to assure long-term sustainable annual yields. Therefore, the EIR has concluded that significant and unavoidable cumulative water impacts will still result. Overriding considerations will need to be made as a part of approving this amendment.

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Traffic. The EIR evaluated the cumulative effects of traffic of new development in the Nipomo Area. The EIR, based on input from Public Works at time the EIR was completed, identified the major county roadways operating at an acceptable LOS “D” or better, and that the existing Traffic Fee as being an adequate means to mitigate for cumulative traffic impacts.

Subsequently, Public Works has determined that there are a couple of areas near Tefft Street operating in the unacceptable LOS “E/F” range, and that more aggressive efforts are needed to more quickly provide for improvements identified in the South County Circulation Study. According to County Public Works, one aspect of this effort will be collecting the “fair share” cumulative traffic impact fee earlier in the process (either when, or prior to, development is being approved [vs. when it is being built]). Another aspect will be development of a “needed traffic improvements” list where the developer will be directed to choose an improvement from this list that is as close to the project’s “fair share” cost as possible and install it in lieu of paying the fee. It is expected in the next few months that the Board will be considering adoption of this program. If adopted, it is expected that construction of the improvements on this list will bring the LOS to the acceptable “D” level by the year 2010. Under CEQA, there will still be a short-term significant and unavoidable impact as long as there are road segments operating at unacceptable levels. Therefore, overriding considerations must be made as a part of project approval to show how the benefits will outweigh these short-term significant impacts.

Public Services. The GMO EIR identified certain public services (development in high fire hazard areas, schools, police protection) will be significantly impacted (Class I) from the cumulative impacts of development. The proposed amendment will slightly accelerate the growth rate, which will result in realizing the cumulative effects sooner when compared to the existing growth rate. The EIR identified existing measures as the means to mitigate the cumulative impacts (i.e., CDF continues reviewing plans and preparing fire safety plans; County Safety Element policies should be applied to new development; CDF continuing to maintain mutual and automatic aid agreements with other fire departments; continued application of the Public Facility Fee).

Under CEQA, there will still be significant and unavoidable impacts to certain public services. Therefore, overriding considerations must be made as a part of project approval to show how the benefits will outweigh these significant impacts.

- 2.5. ***For areas with waiting time for allotment selection of more than 18 months, allow application for an allotment once the land use permit is approved/subdivision is recorded rather than requiring full working drawings to be developed and submitted prior to application for an allotment.***

Background. Some developers in the Nipomo Area have indicated frustration with the recent changes to the Growth Management Ordinance that require full sets of construction drawings in order to apply for an allotment. In the Nipomo Area, where a waiting list of up to 5 years exists for multi-family/ planned development projects, having to develop full sets of working drawings before being able to even get on the waiting list seems onerous and inconsistent with the intent of the ordinance changes. The ordinance amendment was adopted so that applicants would not speculate on development timing and take up allotments from those who were ready and able to build immediately. This amendment has provided a substantial improvement for the countywide program and has resulted in timely building permit processing for those applicants who are ready and able to build. However, the recent experience for the Nipomo

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Area is that there is a substantial waiting list for the multi-family/ planned development category. The cost of preparation of a full set of working drawings in order to request an allotment for this category has created an unforeseen consequence of this recent ordinance change. There is a distinct possibility that building codes will change and the applicant's discretionary approval may expire before an allotment for the multi-family/planned development category can be selected. With this possibility, some applicants have requested that they be able to apply for allotments at the point where they have obtained discretionary approval of a use permit or recordation of a subdivision without development of full construction drawings in situations where there is a projected waiting time for allotment selection of 18 months or more.

Proposed Amendment: An ordinance amendment to Title 26 is proposed, where projected waiting time for allotment selection is 18 months or more, to allow allotments (without the preparation of full construction drawings) at the time of discretionary approval of a use permit or recordation of a subdivision. Full construction drawings would be required at the time of building permit application submittal.

Environmental Analysis/Conclusions. None of the proposed changes relating to this amendment would result in an increase to the rate of development or the yearly allotment currently allowed for the Nipomo Area. Therefore, no additional environmental impacts are anticipated should this amendment be approved. The GMO EIR did not identify the need for any mitigation measures relating to this proposed amendment.

2.6 Clarify Growth Management ordinance to include requirement of approval of any applicable land use permit in addition to full construction permit application in order to apply for allotment.

Background. In 2003, the Growth Management ordinance was amended to require a full and complete construction permit application (including full building plans) in order to apply for an allotment. The intent of this amendment was to prevent speculators from taking allotment spaces from those applicants who were ready and able to build. While section 19.04.030 of Title 19, The Construction Ordinance, requires that any required land use permits be approved prior to submittal of construction permits, the language in Title 26 only requires that full building plans be submitted in order to apply for an allotment. The lack of consistent cross-reference has created opportunities for confusion. This change will eliminate the inconsistency between the two sections of these ordinances.

Proposed Amendment: An ordinance amendment to Title 26 is proposed to clarify the Growth Management ordinance section pertaining to filing of requests for allotments to include requirement of approval of any applicable land use permit in addition to full construction application and drawings prior to submittal of allotment requests.

Environmental Analysis/Conclusions. None of the proposed changes relating to this amendment would result in an increase to the rate of development or the yearly allotment currently allowed for the Nipomo Area. Therefore, no additional environmental impacts are anticipated should this amendment be approved. The GMO EIR did not identify the need for any mitigation measures relating to this proposed amendment.

2.7 For the Cambria area, reduce the current growth rate cap of 1% to 0%.

Background. Since 1999, the County limited the allocations for Cambria to a maximum 1% rather than being a part of the countywide overall 2.3% program.

In 2001, the Cambria Community Service District (CCSD) Board of Directors declared a Water Code Section 350 water emergency based upon inadequate supply and delivery problems. As part of their 2001 action, with exception of a few development projects that were in the pipeline of being processed at the time, no new water connections are allowed.

Pursuant to the legal requirements of a Water Code 350 emergency declaration, the CCSD has actively pursued a solution to its water supply problems. The water delivery problems, which impact fire-fighting capabilities, were prioritized and are currently being addressed.

Because only 'pipeline projects' are allowed new water connections, few allocations are used and the 1% growth rate allows for the "banking" of allocations. Continued banking would result in the accumulation of allocations such that the number of building permits ready to be issued once the moratorium is lifted would cause a substantial burden to the community and its services.

Therefore, to manage the planned rate of residential growth in the community and to prevent the banking of allocations, and as a part of the Planning Commission's recommendations on the recent approval of the "Cambria & San Simeon Acres Community Plans of the North Coast Area Plan" update, the Maximum Annual Allocation shall not exceed 0% of the existing number of dwellings within the boundaries of the CCSD within the Urban Reserve Line until the water moratorium, instituted by the CCSD Board of Directors in November 2001, is lifted. While the Board or Supervisors did not keep this provision in the Plan update, staff was directed for this to be considered as a part of a GMO amendment. The existing "banked" list of allocations would not be affected by this action and would remain in place.

Proposed Amendment: An ordinance amendment to Title 26 is proposed to reduce Cambria's current growth rate cap from 1% to 0%.

Environmental Analysis/Conclusions. The GMO generally considered impacts related to the Cambria area and its current 1% growth cap. This EIR also discussed an alternative titled "Growth Cap Designated by Planning Area", where it generally discussed the continued use of such caps to preserve limited resources in problem areas and promote growth in areas with fewer constraints. While the proposed reduction for Cambria was not specifically discussed in the EIR, the proposed amendment is considered consistent with what was discussed in the GMO EIR and will not result in any potentially significant environmental impact not previously discussed should this Amendment be approved. The GMO EIR did not identify the need for any mitigation measures relating to this proposed amendment.

3.0 CONCLUSION

Based on the above discussion, the proposed amendments are either considered: 1) minor changes that are not considerably different from those analyzed in the previous GMO EIR, nor would they substantially change the conclusions reached in the EIR, or 2) similar to the impacts considered in the GMO EIR. Therefore, a subsequent or supplemental EIR is not considered necessary, and the EIR addendum is appropriate. Most mitigation measures recommended in the EIR to address impacts to the Nipomo Area are already in place. Overriding considerations for cumulative effects (water, public services, traffic) will be necessary for item 2.4 (Change from 1.8% to 2.3% growth rate).

APPENDIX A
CEQA Guidelines Excerpts

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CEQA GUIDELINES EXCERPT – SECTION 15162. Subsequent EIRs and Negative Declarations

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

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APPENDIX B

Proposed GMO text

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ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 26 OF THE SAN LUIS OBISPO
COUNTY CODE, THE GROWTH MANAGEMENT ORDINANCE

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 26.01.034b of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- b. Proposed new dwelling units which will be affordable housing for persons and families of low or moderate income as defined by California Health and Safety Code Section 50093, with long-term affordability guaranteed for a period of 30 years as provided by Section ~~22.04.094~~ 12.070 of the Land Use Ordinance and Section 23.04.094 of the Coastal Zone Land Use Ordinance.

SECTION 2: Section 26.01.050b(7) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (7) **Planned Development:** A project based on a comprehensive, unified site design that will include a phasing schedule specifying the time period over which the project will be built and the number of dwelling units to be built in each phase, and meeting the following criteria: each phase will provide the necessary services and infrastructure so as to be both self-supporting as well as integrated into the whole project, including specifying the standards for land use and related improvements (i.e. streets, utilities, public and private open space, buffers, etc.) plus responsibilities for their installation, ownership and maintenance; the overall project is characterized by creative and innovative design features and a variety of housing types. Such projects are to be approved as mixed use or cluster divisions within urban or village reserve lines ~~or agricultural cluster projects~~ under the provisions of Titles 22 or 23 of the County Code, approved through a ~~development plan~~ Development Plan or Conditional Use Permit, approved through a Specific Plan adopted by the County in accordance with the California Government Code, or covered by a development agreement approved by the Board of Supervisors.

SECTION 3: Section 26.01.070a(1) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (1) **Maximum number of new dwelling units allowed in the Nipomo Mesa area.** The maximum number of new dwelling units allowed in the Nipomo Mesa area (see Figure 1) for the period of July 1, 2005~~6~~ through June 30, 2006~~7~~, shall not exceed a 1.8 percent annual increase in the number of existing dwelling units in 2004~~5~~, resulting in the potential for a Maximum Annual Allocation of 122~~7~~ new residences in the Nipomo Mesa area for the period from July 1, 2005~~6~~ through June 30, 2006~~7~~. In addition to the 1.8 percent annual allotment, a .5 percent supplement of allotments resulting in an additional 35 new residences in the Nipomo Mesa area shall be made available for the period from July 1, 2006 to June 30, 2007 to projects on the

waiting list located within urban or village reserve lines that have received intent-to-serve letters from the applicable water district and meet identified criteria as Smart Growth, Senior Housing, Mixed Use, Green Build (equivalent to LEED certified) or other projects that will result in the completion of construction of sections of road improvements identified on the South County Circulation Study Road Improvement list.

SECTION 4: Section 26.01.070c(1)(a) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (a) **Category 1:** ~~Twenty (20)~~ Thirty-five (35) percent of the Maximum Annual Allotment shall be reserved for developers of multi-family dwellings and dwelling units in phased projects approved as Planned Developments or through adoption of a Specific Plan. No single applicant shall be eligible in any one year for more than five (5) percent of the Maximum Annual Allotment. Dwelling units to be developed in such projects may be carried over for one year upon written request of the applicant within the 180 days specified in subsection "g" of this section. If there are not enough applications for dwelling units to use up the ~~20~~35% reservation in this category, those unused allotments shall be made available in Category 2.

SECTION 5: Section 26.01.070c(1)(b) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (b) **Category 2:** The remaining ~~80~~ Sixty-five (65) percent of the Maximum Annual Allotment shall be available for all other applicants for new dwelling units. However, no single applicant shall receive more than five (5) percent of the annual allocations and/or allotments. If there are not enough applications for dwelling units in Category 2 in the fiscal year allotment, those unused allotments shall be available for use in Category 1.

SECTION 6: Section 26.01.070d of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- d. **Filing of Requests for Allotment.** Applicants interested in building new dwelling units will file a Request for Allotment with the Department of Planning and building on a form provided by the department to allow the department to track the category of allotment. A complete application for the construction permits and full building plans are required at this time in addition to having completed any required discretionary permit review. If the application is determined to be incomplete by the Department of Planning and Building, the construction permit application will be rejected and no selection under the Growth Management ordinance will be made.

SECTION 7: Section 26.01.070d(1) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby deleted as follows:

- (1) ~~**Limit on number of allocation requests:** Only two Requests for Allocation will be accepted for any single legally created parcel per year, except that a single applicant may file one request for Allocation for a maximum number of dwelling units not to exceed 2.5% of the total allocation per year on properties designated Residential Multi-Family and proposed for development of multi-family dwelling units; or a maximum number of dwelling units not to exceed 5.0% of the total annual allocation for a phased project approved as a Planned~~

~~Development or through adoption of a Specific Plan, or where such units are included in a development agreement approved by the Board of Supervisors, in accordance with Sections 26.01.050 (b)(6) and (7) of this title.~~

SECTION 8: Section 26.01.070e of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

e. **Filing of Requests for Allocation.** Applicants eligible to file a Request for Allocation are allowed an exception to the requirement that a complete application be submitted as follows:

- (1) For a vested map that was filed and accepted for processing prior to May 20, 2003, ~~can elect to submit a Request for Allocation~~ can be selected for submittal as provided in the ordinance that was in place at the time of acceptance of the vesting map for processing.
- (2) For parcels located within communities with waiting lists as provided in sections h and i, or for any area where a waiting list of more than 18 months exists.

SECTION 9: Section 26.01.070f of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

f. **Limit on number of allotment and allocation requests:** A total of two Requests for Allocation or Allotment will be accepted for any single legally created parcel per year, except that a single applicant may file one request for Allocation or Allotment for a maximum number of dwelling units not to exceed 2.5% of the total allocation per year on properties designated Residential Multi-Family and proposed for development of multi-family dwelling units; or a maximum number of dwelling units not to exceed 5.0% in the county-wide area or 10% in the Nipomo Mesa Area of the total annual allocation. ~~for a phased project approved as a Planned Development or through adoption of a Specific Plan; or where such units are included in a development agreement approved by the Board of Supervisors, in accordance with Sections 26.01.050 (b)(6) and (7) of this title. If a qualifying multi-family project described in the preceding sentence includes at least 35% of the units as affordable units in accordance with County Ordinance, an individual developer may secure up to 15% of the total annual allotments in the Nipomo Mesa area for the market rate units.~~ A total of two Requests for Allocation or Allotment will be accepted for any single legally-created parcel per year. An applicant may file a request for Allocations or Allotments for a maximum number of dwelling units not to exceed the following percentages of the total annual allocation/allotment for the respective areas:

- (1) 5% in the countywide area,
- (2) 10% in the Nipomo Mesa Area, or
- (3) 20% of the total annual allotment in the Nipomo Mesa Area for multi-family/planned development projects that have received intent to serve letters from the applicable water district and meet any one of the following:
 - (i) Projects that meet criteria as a Smart Growth, Senior Housing, Mixed Use, Green Build (equivalent to LEED certified); or
 - (ii) Projects that guarantee long term affordability for at least 35% of the units in accordance with County Ordinance; or

(iii) Projects that will result in the completion of construction of sections of road improvements identified on the South County Circulation Study Road Improvement list.

SECTION 10: Section 26.01.070h(1)(a)(i) of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- (i) **Allocation for the years July 1, 2004~~6~~ through June 30, 2007~~9~~.** Based on the County 2003~~5~~ Resource Management System (RMS) Annual Report approved by the Board of Supervisors on December 9~~20~~, 2003~~5~~, the Maximum Annual Allocation shall ~~be set at not exceed 1.0 0%~~ per fiscal year for the period from July 1, 2004~~6~~ through June 30, 2007~~9~~, ~~resulting in the potential for 39 no~~ no new allocation or allotment requests other than those accompanied by an intent-to-serve letter from the Cambria Community Services District for transferred meters and ~~plus~~ 8 grandfathered Allocations for new residences in Cambria each fiscal year in the period from July 1, 2004~~6~~ through June 30, 2007~~9~~.

SECTION 11: Section 26.01.072a of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- a. **Transfer of allocations.** Dwelling units will be allocated through the process described in sections 26.01.070 of this title to specific parcels, except that allocations may be transferred within the Cambria Community Services District as described in section 26.01.070f~~h~~(1)(a)(iii), or on other properties in the unincorporated county where approved as part of a county Transfer of Development Credits (TDC) program.

SECTION 12: Section 26.01.072b of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- b. **Expiration of allocations.** After receiving a dwelling unit allocation as provided by this title, the applicant must file a complete construction permit application along with any required land use permit application within the number of days of the date of notice of an allocation as provided in section 26.01.070f~~g~~, plus any requested time extension for such filing.

SECTION 13: Section 26.01.072e of the Growth Management Ordinance, Title 26 of the San Luis Obispo County Code, is hereby amended as follows:

- c. **Reallocation of expired units.** Where any applicant withdraws his application, or where such application has been deemed expired pursuant to the provisions of this title, that unused allocation shall become available for use within the current Maximum Annual Allocation as if it were a new Request for Allocation, subject to all provisions of this title. Where the allocation is located within a community subject to a waiting list as described in Section 26.01.070f~~h~~, the allocation shall be made available within that community subject to the ordinance or administrative procedures adopted by the service provider within that community.

SECTION 14. The previously certified Growth Management Ordinance Amendments Final Environmental Impact Report (FEIR - 2006), and the Addendum prepared for this project, are adequate for the purposes of compliance with CEQA because 1) no substantial changes are proposed for the project which will require major revision of the previously certified FEIR due to the involvement of new

significant environmental effects or a substantial increase in the severity of previously identified significant effects, 2) no substantial changes have occurred with respect to the circumstance under which the project is undertaken which will require major revision of the previously certified FEIR that would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and 3) no new information of substantial importance, or that could change the significance of an issue evaluated, has been identified which was not known at the time that the previous FEIR was certified.

SECTION 15. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 16: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the _____ day of _____, 20____, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 20____, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

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[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: _____

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ATTACHMENT 1-E

Final Environmental Impact Report

A copy of this report is on file with
the Clerk of the Board of Supervisors

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ITEM 2

LRP2005-00006 - County of San Luis Obispo
Amend Title 22, 19 and the South County Area Plan.

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ATTACHMENT 2-A

Resolution from the Planning Commission
describing the Planning Commission's action on the item
(modification of staff's recommendation)

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PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, March 23, 2006

PRESENT: Commissioners Penny Rappa, Robert Roos, Bruce Gibson, Chairperson Eugene Mehlschau

ABSENT: Sarah Christie

RESOLUTION NO. 2006-020

RESOLUTION RECOMMENDING AMENDMENT
OF THE LAND USE ELEMENT OF THE SAN LUIS OBISPO COUNTY GENERAL PLAN,
LAND USE ORDINANCE, TITLE 22 OF THE COUNTY CODE
AND THE BUILDING AND CONSTRUCTION ORDINANCE,
TITLE 19 OF THE COUNTY CODE.

WHEREAS, State Law requires that a General Plan be adopted; and

WHEREAS, the Land Use Element of the San Luis Obispo County General Plan was adopted by the Board of Supervisors on September 22, 1980, and is a proper element of the General Plan; and

WHEREAS, public necessity, convenience and general welfare requires that the elements of a General Plan be amended from time to time; and

WHEREAS, the Planning Commission of the County of San Luis Obispo held a public hearing on March 23, 2006, to consider the proposed amendment to the Land Use Element, Land Use Ordinance and Building and Construction Ordinance of the San Luis Obispo County General Plan; and

WHEREAS, the Planning Commission, at the conclusion of the public hearing, adopted findings for the amendment recommended for approval,

NOW, THEREFORE, BE IT RESOLVED that the San Luis Obispo County Planning Commission recommends to the Board of Supervisors of the County of San Luis Obispo, State of

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California, that the Land Use Element, Land Use Ordinance and Building and Construction Ordinance of the County of San Luis Obispo General Plan be amended as follows:

1. Amend the Land Use Element, Land Use Ordinance and Building and Construction Ordinance as appears on the exhibits which are listed below, and which are expressly referred to and incorporated herein as though fully set forth.
 - a. Exhibit A - Amendments to Title 22
 - b. Exhibit B - Amendments to the South County Area Plan (Land Use Element)
 - c. Exhibit C - Amendments to Title 19
2. Approve the attached findings which are expressly referred to and incorporated herein as though fully set forth.
3. The Environmental Coordinator has approved a Categorical Exemption for this proposal (Section 15307, Class 7). The proposed general plan amendment and ordinance amendments constitute actions to assure the maintenance, restoration or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

On motion of Commissioner Gibson, seconded by Commissioner Rappa, and on the following roll call vote, to wit:

AYES: Commissioners Gibson, Rappa, Roos, and Chairman Mehlschau

NOES: None

ABSENT: Commissioner Christie

the foregoing resolution is hereby adopted.

/s/ Eugene Mehlschau

Chairman of the Planning Commission

ATTEST:

/s/ Eleanor Porter

Secretary, Planning Commission

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AN ORDINANCE AMENDING TITLE 22 OF THE
SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE
SECTION 22.112.020 RELATING TO THE NIPOMO MESA AREA

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1. Section 22.112.020 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new subsection E to read as follows and renumbering all figures as necessary:

22.112.020 – Areawide Standards

- E. Nipomo Mesa Water Conservation Area.** The following standards apply to all land in the Nipomo Mesa Water Conservation Area shown in Figure 112-4.

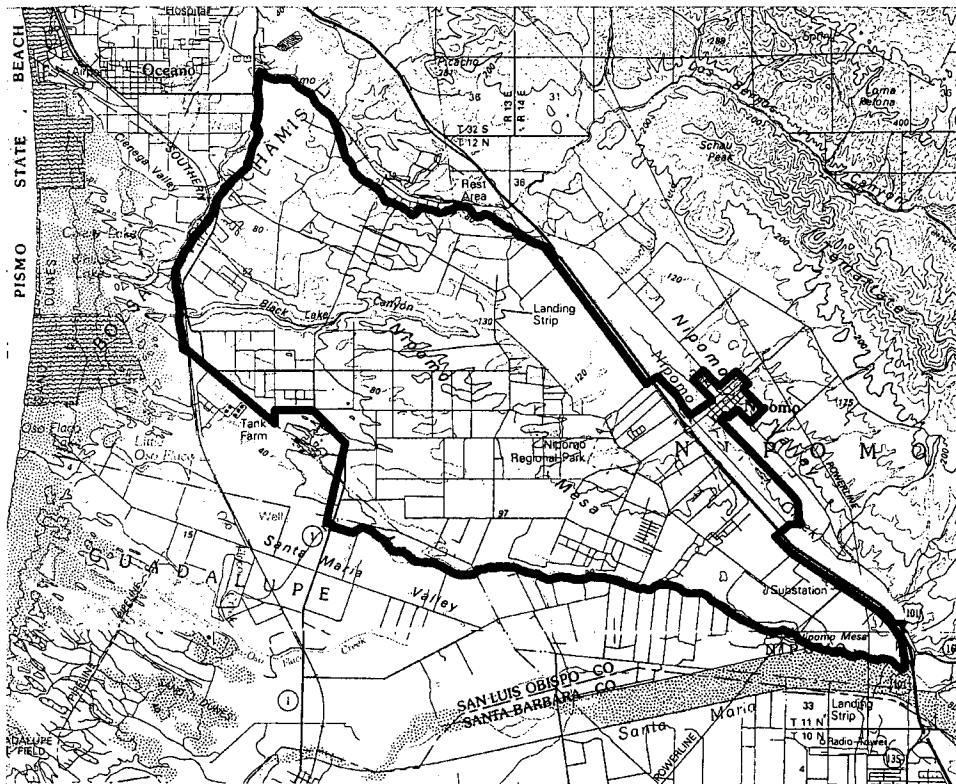


Figure 112-4 - Nipomo Mesa Water Conservation Area

- 1. General Plan Amendments and land divisions.** Applications for general plan amendments and land divisions in the Nipomo Mesa Water Conservation Area shall include documentation regarding estimated existing and proposed non-agricultural water demand for the land division or development that could occur with the General Plan Amendment.

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If this documentation indicates that the proposed non-agricultural water demand exceeds the demand without the requested amendment or land division, the application shall include provisions for supplemental water as follows:

- a. **General Plan Amendments and Land Divisions.** Where the estimated non-agricultural water demand resulting from the amendment would exceed the existing non-agricultural demand, the application shall not be approved unless supplemental water to off-set the proposed development's estimated increase in non-agricultural demand has been specifically allocated for the exclusive use of the development resulting from the general plan amendment, and is available for delivery to the Nipomo Mesa Water Conservation Area.
2. **Landscape standards.** The standards in Chapter 22.16 apply to the following projects within the Nipomo Mesa Water Conservation Area. Only exceptions, as set forth in Subsection 22.16.020.B.2, 4, 6, and 7, are allowed within this area:
 - a. **Public projects.** Projects completed by a public agency that require a land use permit.
 - b. **New non-residential projects.** All new projects within the Recreation, Office and Professional, Commercial Retail, Commercial Service, Industrial and Public Facilities land use categories.
 - c. **Developer-installed.**
 - (1) All developer-installed landscaping in all Residential land use categories within urban or village areas.
 - (2) All developer-installed landscaping in all land use categories outside of urban or village areas where the parcel is 5.0 acres or less.
 - d. **Homeowner-installed.** All homeowner-installed landscaping for any project for which a land use permit is required.
 - e. **Drip irrigation.** Drip irrigation systems are required for all landscaped areas (except turf areas). The drip irrigation system shall include the following components: automatic rain shut-off device, soil moisture sensors, a separate meter for outdoor water and an operating manual to instruct the building occupant how to use and maintain the water conservation hardware.
 - f. **Turf area limits:** The maximum amount of turf (lawn) area shall not exceed twenty percent of the site's total landscape area. In all cases, the site's total landscape area shall be limited to 1,500 square feet.
3. **Building Permits.** Building permits issued for construction in the Nipomo Mesa Water Conservation Area shall comply with Section 19.20.240.d.

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SECTION 2. The project qualifies for a Categorical Exemption (Class 7) pursuant to CEQA Guidelines Section 15307 because the actions proposed will assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4. This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the _____ day of _____, 2006, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 2006, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

County Clerk and Ex-Officio Clerk of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

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ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: _____

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EXHIBIT LRP2005-00006:B

1. **Modify Chapter 3, South County Area Plan, Page 3-11, Service Programs by adding Program 6, Supplemental Water Development Fee, and renumbering subsequent programs, as follows:**

F. **PLANNING AREA SERVICE PROGRAMS**

Programs are non-mandatory actions or policies recommended by the Land Use Element to achieve community or areawide objectives identified in this area plan. The implementation of each LUE program is the responsibility of the community, through the county or other public agency identified in the program itself. Because programs (some of which include special studies) are recommended actions rather than mandatory requirements, implementation of any program by the county should be based on consideration of community needs and substantial community support for the program and its related cost.

The following public facilities, services and resource programs apply to the South County planning area and are grouped under general headings.

Special Districts

1. **Nipomo Community Services District (NCSD).** The Nipomo Community Services District should assume drainage control, fire protection, parks and recreation, street lighting and street tree maintenance to its responsibilities to provide more comprehensive urban services.
2. **County Service Area (CSA) No. 1.** CSA No. 1 should detach areas that receive sewer service from the NCSD, transferring them to the district, and the NCSD should assume responsibility for providing street lighting and storm drainage in those areas.
3. **Multi-Purpose Special District, Hutton Road Area.** LAFCo should work with area property owners to establish a multi-purpose district to supply water and provide septic tank maintenance service in the area of small non-conforming lots.
4. **Cemetery District.** The community should work with the Arroyo Grande Cemetery District to locate and develop a local cemetery, or it should seek to divide and create a south county cemetery district to create and manage a local site.

Water Resources

5. **Water Source Augmentation.** Water providing agencies should work towards programs to provide additional water for the planning area. Any use of the offshore aquifer should be accompanied by a contingency plan for preventing or correcting seawater intrusion.
6. **Supplemental Water Development Fee.** The Planning Department, in coordination with the Public Works Department, should determine the amount of a fee to be paid by new development resulting from land divisions or development of existing lots of record that would increase non-agricultural water demand within the Nipomo Mesa Water Conservation Area as soon as possible. Determination of the fee and adoption of an ordinance requiring payment of the fee should be consistent with the requirements of AB 1600.

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- 6 7. Water Conservation.** The Public Works Department, with assistance from the Planning Department and local water purveyors, should establish a public education program on water conservation and water-conserving landscaping.
- 7 8. Groundwater Management.** South County water purveyors, cities, agencies, and individual users are encourage to work toward management of the groundwater resource. Agreements and funding should be sought by these entities to prepare an a groundwater study that will assist in identifying the appropriate management strategies.

A comprehensive study of the Santa Maria groundwater basin to be used for future planning purposes should identify the historical and potential impacts to the basin.

Water Systems

- 8 9. Water Service Plan.** Within the Nipomo urban area, the Nipomo Community Services District and Cal-Cities Water should prepare a water resource capacity study and water service plan for distribution of water to all properties within the urban reserve line.
- 9 10. Private Water Company Boundary.** Cal-Cities water should relocate their service boundary in Nipomo to be outside the Nipomo Community Services District's sphere of influence.
- 10 11. Community Water Systems.** In the Palo Mesa and Los Berros village areas and the Port Hartford Eucalyptus Tract, the county should work with existing small water providers and property owners to establish a community water system in appropriate areas.
- 11 12. Water Service Plan Coordination.** The Planning Department should provide Land Use Element plan information to private water companies to coordinate future service expansions with county policies.

Sewage Disposal

- 12 13. Wastewater Management Plan.** The county should work with the Regional Water Quality Control Board and other agencies to prepare a Wastewater Management Plan for portions of the Nipomo urban area that utilize septic systems. The plan should identify the cumulative impacts resulting from the continued use of on-site sewage disposal systems, determine the maximum population densities suitable for such areas and prescribe the appropriate minimum parcel sizes that will control ground water or surface water degradation.
- 13 14. Septic Systems Maintenance.** In areas intended to be served by septic tanks, the Planning and Health Departments should develop public information mailings and handouts about the proper care and maintenance of septic systems. The Nipomo Community Services District should establish and administer a septic system maintenance program in areas within its boundary not served by the community sewage system. (Amended 1986, Ord. 2270)

Drainage

- 14 15. Drainage Analysis.** The County Public Works and Planning Departments should work with the Nipomo Community Services District to prepare a communitywide drainage analysis for the Nipomo urban area to identify problem areas and recommend appropriate remedial action, including any necessary changes to the standards of the Land Use Element to implement measures to correct drainage problems.

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- 15 16. Maintenance of Drainage Channels.** The County Public Works Department should work with the community of Nipomo, area property owners and the Nipomo Community Services District to establish an agency for maintenance of natural drainage ponds or channels for recharge to the groundwater basin. After establishment, the agency should develop a maintenance program designed to prevent significant reduction of ponding capacities while maintaining natural channels in as natural a state as possible.

Solid Waste Disposal

- 16 17. Refuse Collection.** The Planning, Health and Public Works Departments should coordinate to select an appropriate site and program for a rural container station on Nipomo Mesa.
- 17 18. Waste Collection - Nipomo and Village Areas.** A mandatory waste collection service should be investigated in the Nipomo urban area and the village areas that offers recycling and low-cost service for low-volume users for bulk items, green waste and hazardous products. The Department of Planning and Building and the Health Department should investigate the need to require evidence of a contract for private waste collection before the issuance of building permits in village areas.

Police Protection

- 18 19. Sheriff Patrols/Substation.** The community should consider funding additional Sheriff patrols in the South County as well as funding a new substation in the Nipomo area.

Fire Protection

- 19 20. Urban Fire Jurisdiction.** The Nipomo Community Services District should assume responsibility for providing year-round urban fire protection services within the Nipomo Urban Reserve Line. A mutual aid agreement with the County Fire Department (CDF) should be reached for serving areas outside of the district also.
- 20 21. Social Services Planning.** The county Planning and General Services Departments should work with social service agencies to coordinate, plan and schedule the development of social services in Nipomo.
- 21 22. Government Services/Public Service Centers.** The Planning and General Service Departments should prepare a facility needs study of the specific, desirable public services, and their space requirements, that can be scheduled for locating in the identified government facilities locations, as part of the county capital improvement program.

Schools

- 22 23. School Facility Expansion.** The Planning Department should work with the Lucia Mar Unified School District to coordinate plans for siting and funding additional schools. The county staff's role as to funding has been described in the Schools section.
- 23 24. School Facility Siting -** The General Services and Planning Departments should work with the Lucia Mar Unified School District to complete a study and environmental determination by 1998 of the appropriate location for a high school.

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ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 19 OF THE SAN LUIS OBISPO COUNTY CODE, THE
CONSTRUCTION ORDINANCE, BY AMENDING SECTION 19.20.240 RELATING TO
WATER CONSERVATION ON THE NIPOMO MESA

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 19.20.240 of the Construction Ordinance, Title 19 of the San Luis Obispo County Code, is hereby amended as follows:

19.20.240 - Water Conservation Provisions. The requirements in this section shall apply to all new installations and, where specifically required, to existing structures.

- a. **Water fixtures.** Water fixtures shall comply with current requirements of the California Energy Commission and Department of Water Resources.
- b. **Existing structures.** In existing buildings, replacement water fixtures shall conform to the above requirements. In addition, all fixtures in an existing building shall be brought into conformance with these requirements when an alteration of that building meets either of the following criteria:
 - (1) A bathroom is added;
 - (2) The floor area is increased by twenty per cent (20%) or more.
- c. **Other requirements:**
 - (1) Spas, hot tubs, fountains and other decorative bodies of water shall be equipped with recirculating systems and shall be designed to operate without a continuous supply of water.
 - (2) Vehicle wash facilities shall have approved water reclamation systems which provide for reuse of a minimum of fifty percent (50%) of the wash water. Hoses, pipes, and faucets for manual application of water to vehicles at such facilities shall be equipped with positive shut-off valves designed to interrupt the flow of water in the absence of operator applied pressure.
 - (3) Water supply piping shall be installed so that each dwelling unit may be served by a separate water meter.

d. **Nipomo Mesa Water Conservation Area.** In addition to the requirements in sections a, b and c above, the requirements in paragraphs (1) below shall apply to all new installations in the Nipomo Mesa Water Conservation Area shown in Figure 20-1.

(1) Sink faucets in all bathrooms and kitchens shall be equipped with automatic shut-off devices.

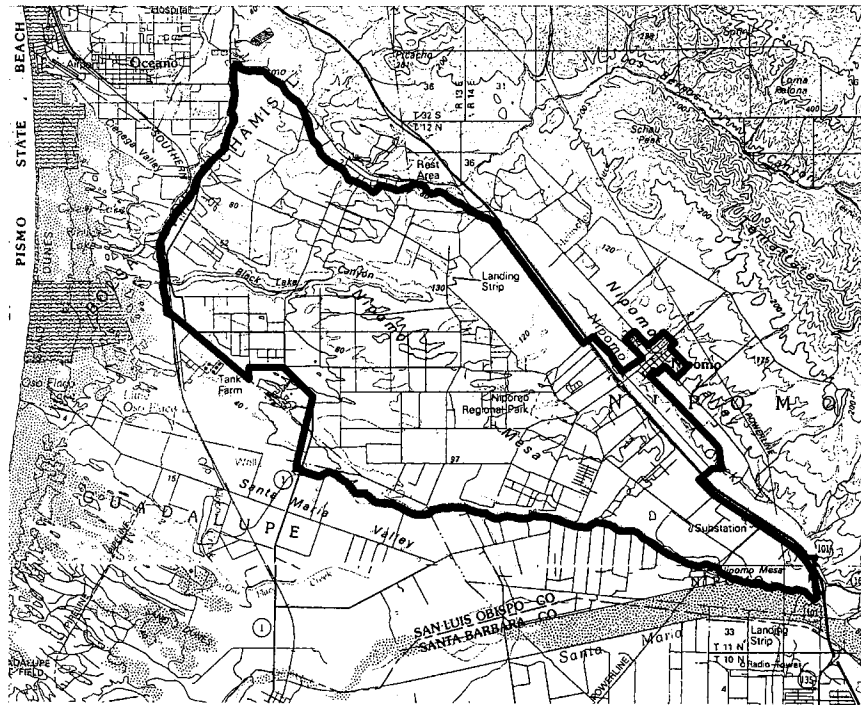


Figure 20-1 Nipomo Mesa Water Conservation Area

SECTION 2. The project qualifies for a Categorical Exemption (Class 7) pursuant to CEQA Guidelines Section 15307 because the actions proposed will assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

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INTRODUCED at a regular meeting of the Board of Supervisors held on the ____ day of _____, 2006, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 2006, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT: None

ABSTAINING: None

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: _____

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ATTACHMENT 2-B

Draft Planning Commission minutes from the March 23, 2006 meeting

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Minutes of the Regular Meeting of the
San Luis Obispo County Planning Commission
Thursday, March 23, 2006

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

Minutes of the Regular Session of the County Planning Commission held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, CA, at 8:45 a.m.

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of March 23, 2006, together with the maps and staff reports attached thereto and incorporated therein by reference.

PRESENT: Commissioners Bob Roos, Bruce Gibson, Penny Rappa, and Chairman Mehlschau

ABSENT: Commissioner Sarah Christie

The meeting is called to order by Chairman Mehlschau.

This being the time set for hearing to consider a proposal by the **COUNTY OF SAN LUIS OBISPO** to adopt planning area standards that would require applications for general plan amendments and land divisions in the Nipomo Mesa Water Conservation Area to document no net increase in non-agricultural water use or provide supplemental water or pay a supplemental water development fee. Other proposed amendments would broaden the application of low water use landscape requirements and would require the inclusion of specific indoor and outdoor water conservation measures in all new construction. The proposal includes recommendations to amend the Land Use Ordinance, Title 22, the South County Area Plan and the Building and Construction Ordinance, Title 19. The Environmental Coordinator finds that this project qualifies for a Categorical Exemption (Class 7) pursuant to CEQA Guidelines Section 15307 because the actions proposed will assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. The Environmental Coordinator finds that the previously certified Final Environmental Impact Report (FEIR) is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previously certified FEIR, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previously certified FEIR, and no new information of substantial importance has been identified which was not known at the time that the previous FEIR was certified. County File Number: LRP2005-00006. Date accepted: Not applicable. Supervisorial District No.4

John Hand, staff: Presents staff report. Presents project history from 2004 to present. Discusses AB1600 process for establishment of fees, resulting changes to title 19, and developments subject to the fee. Provides the Planning Commissioners with change to water conservation measure on Pg. 3-13 item d. and, item 2. States turf area limitation will be included.

Commissioner Roos: Discusses prior projects meeting intent of these requirements, and requests clarification on turf area limitations with staff responding to percentages of size of areas.

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Commissioner Gibson: Discusses title 19.

Chairman Mehlschau: Discusses fee charges relative to what the money would be used for, and who will be charged the fee.

John Hand, staff: Clarifies fee charges and possible uses for such, and disparities in property owners who would be charged.

Commissioner Roos: Discusses disparity in developments, residential rural land having agricultural uses, and water usage.

John Hand, staff: Clarifies water is always referred to as "non agricultural" water demand.

Commissioners and staff: Discuss water uses, amounts of uses and language regarding water entitlements.

Commissioner Rappa: Discusses water conservation and wants an update on gray water or reclaimed water usage and its allow ability. Would like clarification on "non endorsed" use of gray water systems.

Kami Griffin, staff: Clarifies for Commission Rappa the provisions by the Uniform Plumbing Code's use of gray water being at the discretion of the property owner. States this is not endorsed, but is allowed by the county.

John Hand, staff: Discusses suggested implementations for non potable water in general plan, and references locations of such. General plan amendments and water demands discussed.

Commissioner Gibson: Discusses Page 3-7, paragraph 1 "General Plan Amendments and Land Divisions". Requests clarification on the difference between land division and land developments fees. Discusses re-combining those until the fee structure is in place.

Michael Winn, NCSD Vice President: Would like 2004 commitment re-affirmed. Suggests language changes on pages 3-13, 3-10, and 3-8 regarding supplemental water language inclusion.

Commissioner Gibson: Requests opinion from NCSD on including land divisions requiring supplemental water being established.

Michael Winn, NCSD Vice President: Provides opinion and possible fee inclusions. Discusses water area served by NCSD, and annexation of developments therein.

Michael LeBrun: General Manger NCSD. Supports staff's recommendations. Discusses supplemental water, community purveyors, mitigation fee reasoning, gray water, no surface water discharge, purple pipe system economics, and stresses water is being retained.

Commissioner Gibson and Michael LeBrun: Fully discuss property annexation into NCSD, subdivisions, and general plan amendments.

Commissioner Roos: Disusses BOS decision and compliance with BOS decision.

John Hand, staff: States discussion with BOS in May 2005 indicates land divisions will be treated separately.

Commissioner Rappa and staff: Discuss BOS decision in 2005 and differences with land divisions and general plan amendment.

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Commissioner Gibson: Requests clarification from County Counsel on any recollections he had regarding entitlements at the May 2005 BOS meeting.

Tim McNulty, County Counsel: Clarifies he recalls a lack of clarity from the BOS in regards to directions of entitlements.

Commissioner Roos: Requests clarification from County Counsel on how to make recommendation on fees being charged for supplemental water.

John Hand, staff: Clarifies interpretation of BOS 2005 decision.

Victor Holanda, Director of Planning and Building: Recommends the Planning Commission communicate with the BOS to ask for clarification on this point and bring that clarification back to the Planning Commission with their interpretation. States it would be unfair to have staff speculate and interpret on behalf of the policy makers on what they believe they were instructing the Planning Department to do. States if future decisions are made based on Mr. Hand's or his comments made today it could be contrary to what the BOS had originally intended.

Commissioner Gibson: Requests clarification from Mr. Holanda on whether he is suggesting a continuance on this item.

Victor Holanda, Director of Planning and Building: Clarifies for Commissioner Gibson that this would be under the Planning Commission's discretion.

Commissioner Rappa: Discusses Planning Commissioners concerns with this being a resource capacity problem and if this is appropriate to bring to the attention of the BOS

Kami Griffin, staff: States the Planning Commission only makes recommendations, if a different recommendation is suggested to be made staff would be directed to do so. States the Planning Commission would modify fee programs applying to existing lots, abandoning them for land divisions, and discusses general plan amendments.

Commissioner Roos: States confusion with Director's suggestion to continuing matter. Discusses turf area and suggests the Planning Commissioners get their direction from the BOS.

Victor Holanda, Director of Planning & Building: Disagrees with statement regarding continuing this matter and clarifies that it would be under the Planning Commissioners discretion to continue this matter. Discusses recommendations to, and clarifications from the BOS.

Tim McNulty, County Counsel: Discusses presentation by the Planning Commission on recommendations to the BOS. Suggests the Planning Commission should be recommending language to the BOS. Discusses AB1600 fee in regards to extra lots,

Commissioner Rappa: States giving direction to staff to return to Planning Commission is recommended.

Kami Griffin, staff: Projects on screen motion made by the BOS in May, 2004 as reference for the Planning Commission to make a recommendation. Projects proposed condition language regarding turf area for the Planning Commission. Percentages of limits discussed. Meeting dates to continue project to discussed.

Tim McNulty, County Counsel: Discusses fees for existing lots of record, and amendment of title.

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Commissioners: Discuss coming back with further information this afternoon after the Planning Commission study session

John Hand, staff: Discusses word "shall" as being regulatory language pertaining to programs.

Kami Griffin, staff: Displays language amendments to Title 22

Tim McNulty, County Counsel: Reviews language displayed by staff and concurs with it.

Richard Marshall, Public Works: Discusses Page 3-7 diagram and coastal areas.

Thereafter on motion by Commissioner Gibson, seconded by Commissioner Rappa, and carried on the following roll call vote:

AYES: Commissioners Gibson, Rappa, Roos, and Chairman Mehlschau

NOES: None

ABSENT: Commissioner Christie

the commission recommends to the Board of Supervisors approval of amendments as shown in Exhibits A, amending 1. a. to include "and Land Divisions"; deleting 1. b.; Amend 2., adding language: at the end of the sentence; "Only exceptions, as set forth in Subsection 22.16.020.B.2, 4, 6, and 7, are allowed within this area" Add 2. e. and f. to read as follows: e. Drip irrigation. Drip irrigation systems are required for all landscaped areas. The drip irrigation system shall include the following components: automatic rain shut-off device, soil moisture sensors, a separate meter for outdoor water and an operating manual to instruct the building occupant how to use and maintain the water conservation hardware. f. Turf area limits: The maximum amount of turf (lawn) area shall not exceed twenty percent of the site's total landscape area. In all cases, the site's total landscape area shall be limited to 1,500 square feet.; and Exhibit B with the following amended No. 6.: "Supplemental Water Development Fee. The Planning Department, in coordination with the Public Works Department, should determine the amount of a fee to be paid by new development resulting from land divisions or development of existing lots of record that would increase non-agricultural water demand within the Nipomo Mesa Water Conservation Area as soon as possible. Determination of the fee and adoption of an ordinance requiring payment of the fee should be consistent with the requirements of AB 1600., and Exhibit C is amended to add d. (2) into Exhibit A, Title 22, based on the recommended findings.

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ATTACHMENT 2-C

Staff report to the Planning Commission

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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION

"Making a Difference"

MEETING DATE March 23, 2006	CONTACT/PHONE John Hand, Senior Planner 781-5999	APPLICANT County of San Luis Obispo	FILE NO. LRP2005-0006
SUBJECT A request by the County of San Luis Obispo to amend the Land Use Ordinance (Title 22 of the County Code), Section 22.112.020 to: 1) add an areawide standard to require requests for General Plan Amendments and land divisions within the Nipomo Mesa Water Conservation Area (NMWCA) to demonstrate either that no increase in water use would result from the proposed development or to provide supplemental water to offset any projected increase; and, 2) add an areawide standard to increase the number of projects in the NMWCA subject to low water use landscape requirements; and, 3) amend the South County (Inland) Area Plan to add a service program indicating the county's intent to adopt a supplemental water development fee for development resulting from land divisions within the NMWCA; and, 4) amend the Building and Construction Ordinance (Title 19 of the County Code) to require inclusion of specific indoor and outdoor water conservation measures for all new development in the NMWCA. The purpose of this request is to assist in maintaining and restoring the groundwater resource in the Nipomo Mesa Water Conservation Area.			
RECOMMENDED ACTION Recommend to the Board of Supervisors: Approval of amendments as shown in Exhibits LRP2005-00006:A, B and C based on the recommended findings listed in this report.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator has approved a Categorical Exemption for this proposal (Section 15307, Class 7). The proposed general plan amendment and ordinance amendments constitute actions to assure the maintenance, restoration or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.			
LAND USE CATEGORY Various	COMBINING DESIGNATION Various	ASSESSOR PARCEL NUMBER Various	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: None applicable			
EXISTING USES: Not Applicable			
SURROUNDING LAND USE CATEGORIES AND USES: Not Applicable			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: This proposal implements a directive from the Board of Supervisors, with involvement of the Nipomo CSD and Nipomo Community Advisory Committee.			
TOPOGRAPHY: Varied		VEGETATION: Varied	
PROPOSED SERVICES: Not Applicable		ACCEPTANCE DATE: Not Applicable	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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PROJECT HISTORY

Public hearings were conducted in 2004 by the Planning Commission and Board of Supervisors to consider a Resource Capacity Study (RCS) for water supply in the Nipomo Mesa area. The RCS recommended several actions that would allow development to continue without causing additional stress on the groundwater supply. At its hearing on November 2, 2004, the Board authorized the preparation of planning area standards to increase the number of projects in the Nipomo Mesa Water Conservation Area (NMWCA) subject to low water use landscape requirements and to require inclusion of specific indoor and outdoor water conservation measures for all new development in the NMWCA. At a subsequent hearing on May 10, 2005, the Board authorized preparation of another planning area standard to require requests for General Plan Amendments and land divisions within the NMWCA to demonstrate either that no increase in non-agricultural water use would result from the proposed development or to provide supplemental water to offset any projected increase. For general plan amendments, "provision of supplemental water" means that supplemental water, at the time of application, is available for delivery to the Nipomo Mesa. In the case of land divisions, "provision of supplemental water" would be in the form of a fee to be paid at the time of building permit issuance.

AUTHORITY

Land Use Element Amendment

The Land Use Element sets forth the authority by which the General Plan can be amended. The following factors should be considered by the Board in making their decision, pursuant to the Land Use Element:

- a. **Necessity.** *Relationship to other existing LUE policies, including the guidelines for land use category amendments in Chapter 6 (see Exhibit C), to determine if those policies make the proposed amendment unnecessary or inappropriate.*
- b. **Timing.** *Whether the proposed change is unnecessary or premature in relation to the inventory of similarly designated land, the amount and nature of similar requests, and the timing of projected growth.*
- c. **Vicinity.** *Relationship of the site to the surrounding area to determine if the area of the proposed change should be expanded or reduced in order to consider surrounding physical conditions. These may include resource availability, environmental constraints, and carrying capacity for the area in the evaluation.*
- d. **Cumulative effects of the request.** *Individual property owner requests for changes are evaluated in view of existing buildout, current population and resource capacity conditions, and other important information developed as part of the update process.*

Land Use Ordinance Amendment

The Land Use Element sets forth the authority by which the ordinance can be amended. The following factors shall be considered pursuant to the Land Use Element:

Guidelines for Amendments to Land Use Ordinance

The Land Use Ordinance guides new development so as to be in character with its surroundings and to maintain amenities for living. These principles implement the general goals of the Land Use Element that are stated in Chapter 1.

Development of new or amended Land Use Ordinance standards should be guided by the following principles for implementation of the general plan goals:

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1. *All developments should be designed with maximum consideration of the characteristics of project sites and their surroundings:*
 - a. *To enhance and achieve full use of special site potentials such as natural terrain, views, vegetation, natural waterways or other features;*
 - b. *To respect and mitigate (or avoid) special site constraints such as climatic conditions, noise, flooding, slope stability, significant vegetation or ecologically sensitive surroundings:*
 - c. *To be compatible with present and potential adjacent land uses within the context of the area's urban, suburban or rural character.*
2. *Designs for proposed residential uses should include:*
 - a. *Provisions for privacy and usable open space;*
 - b. *Orientation and design features to shelter from prevailing winds and adverse weather, while enabling use of natural light, ventilation and shade.*
3. *All developments should be designed to provide safe vehicular and pedestrian movement, adequate parking for residents, guests, employees and emergency vehicles.*

Staff comments - Land Use Ordinance Amendment

The guidelines are intended for application to actual land development proposals. This proposal is for plan amendments that would apply additional standards to development proposals. Therefore, many of the guidelines are not applicable in this case

General Goals - Land Use Element

The proposed planning area standards are consistent with the general goals in Chapter 1 of Framework for Planning (Part I of the Land Use Element).

Staff comments - General Goals

Consistency with applicable goals is noted in the following table.

General Goals of the Land Use Element	Staff Comments re: Consistency
1. Maintain and protect a living environment that is safe, healthful and pleasant for all residents by conserving nonrenewable resources and replenishing renewable resources.	Consistent: The purposes of this amendment are to minimize additional water demand and to facilitate replenishment of the groundwater basin by bringing in supplemental water.
2. Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.	Consistent: This amendment would insure that new development would not cause increased pumping from the groundwater basin and would encourage participation of new development in the effort to acquire supplemental water.

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6. Provide for a sustainable rate of orderly development within the planned capacity of resources and services and the county's and citizens' financial ability to provide them.	Consistent: New development would be limited to that which could provide supplemental water or result in no net increase in non-agricultural water demand. New development may also contribute to the cost of providing supplemental water, thereby reducing the financial burden on existing customers.
10. Encourage the protection of agricultural land for the production of food, fiber and other agricultural commodities.	Consistent: In determining whether or not a proposed development would result in an increase in water demand, water use in support of existing agriculture is not considered.
11. Design and maintain a land use pattern and population capacity that is consistent with the capacities of existing public services and facilities, and their programmed expansion where funding has been identified.	Consistent: New development would be limited to that which could provide supplemental water or result in no net increase in non-agricultural water demand. Capacity of water providers to provide service would be maintained.
12. Encourage the phasing of urban development in a compact manner, first using vacant or underutilized "infill" parcels and lands next to existing development.	Consistent: Parcels adjacent to the Nipomo CSD would have access to supplemental water via annexation to the CSD and participation in the supplemental water project.
16. Avoid the use of public facilities, services and facilities beyond their renewable capacities, and monitor new development to ensure that its resource demands will not exceed existing and planned capacities and service levels.	Consistent: Adoption of the proposed standards is intended to assist the effort to restore a balance between water supply and demand in the Nipomo Mesa area.
17. Finance the cost of additional services and facilities from those who benefit by providing for dedications, in-lieu fees or exactions.	Consistent: The proposed standards will benefit new development by allowing development to proceed, but only if such development participates in funding the cost of providing supplemental water.

PROPOSED AMENDMENTS

Proposed amendments to the Land Use Ordinance, South County (Inland) Area Plan and Building and Construction Ordinance are attached. The amendments will add standards to require applications for general plan amendments and land divisions within the NMWCA to provide documentation that estimates non-agricultural water demand for the proposed land division or development that would be allowed under the new land use category. The demand is required not to exceed the estimated non-agricultural demand without the requested amendment or land division or supplemental water would need to be provided. In addition, development on lots within the NMWCA are required to use the water efficient landscape standards, as modified in the proposed planning area standard and to use specific indoor and outdoor water conservation measures as detailed in an amendment to the Building and Construction Ordinance.

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General plan amendments to provide supplemental water. The requirement for general plan amendments to provide supplemental water can be implemented by an amendment to Title 22, the Land Use Ordinance. That amendment is included as Exhibit LRP2005-00006A.

Land divisions participate in supplemental water acquisition. Implementation of the Board's intent regarding land divisions is somewhat more complicated. The intent is that land divisions should participate in the acquisition of supplemental water through payment of a supplemental water development fee for each lot created as a result of the division. The county would collect the fee and the fee would be transferred to the agency responsible for implementing a supplemental water project - presumably, the Nipomo Community Services District. Determination of the amount of the fee and the process for adopting the fee are governed by AB 1600, which requires that any such fee must be based upon the principle that the fee must not exceed the estimated, reasonable cost of the project's proportionate share of the proposed facility. Typically, these estimates are prepared by a consultant with expertise in the estimation of costs of capital projects. Based on discussions with the consultant who prepared the supplemental water cost estimate for the Nipomo CSD, it appears that consultant costs to establish the county's supplemental water development fee would be less than \$10,000. The fee, itself, would not exceed \$13,000 per residential unit or residential equivalent.

Since the exact amount of the fee has not yet been determined, the Board's directive regarding land divisions should be thought of as requiring implementation in phases:

Phase 1 is an amendment to the South County Area Plan creating a service program calling for the county to conduct an AB 1600 process to determine the amount of the supplemental water development fee (this amendment is proposed as part of this package);

Phase 2 is budgeting for and retaining a consultant to determine the fee;

Phase 3 is adopting the fee and including the requirement to pay the fee as an amendment to Title 19.

The proposed general plan amendment that would implement Phase 1 is included as Exhibit LRP2005-00006B.

Water conservation measures. The requirement for specific indoor and outdoor water conservation measures is best accomplished by an amendment to Title 19, the Building and Construction Ordinance. That amendment is included as Exhibit LRP2005-00006C.

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FINDINGS

Environmental Determination

- A. The Environmental Coordinator has approved a Categorical Exemption for this proposal (Section 15307, Class 7). The proposed general plan amendment constitutes an action to assure the maintenance, restoration or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

Amendments

- B. The proposed amendment to the Land Use Ordinance will limit general plan amendments to those that would not increase the extraction of groundwater and expand the application of low water-use landscape requirements.
- C. The proposed amendment to the Building and Construction Ordinance will require all new construction in the Nipomo Mesa Water Conservation Area to include specific indoor and outdoor water conservation measures.
- D. The proposed amendment to the South County (Inland) Area Plan will add a service program indicating the county's intent to establish and collect a supplemental water development fee for each lot resulting from a land division in the Nipomo Mesa Water Conservation Area that is not otherwise contributing to the development of supplemental water.
- E. The proposed amendments are consistent with the Land Use Element and other adopted elements of the general plan because the proposed planning area standards, program, and building requirements are consistent with the general goals of the Land Use Element.
- F. The proposed amendments are consistent with the guidelines for amendments to the Land Use Ordinance because the proposal will balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources by insuring that new development would not cause increased pumping from the groundwater basin and by requiring participation of new development in the effort to acquire supplemental water.
- G. The proposed amendments will protect the public health, safety and welfare of the area residents by allowing for new development that does not increase extractions from the groundwater basin and by requiring inclusion of water conservation measures in all new construction.

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AN ORDINANCE AMENDING TITLE 22 OF THE
SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE
SECTION 22.112.020 RELATING TO THE NIPOMO MESA AREA

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1. Section 22.112.020 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new subsection E to read as follows and renumbering all figures as necessary:

22.112.020 – Areawide Standards

E. Nipomo Mesa Water Conservation Area. The following standards apply to all land in the Nipomo Mesa Water Conservation Area shown in Figure 112-4.

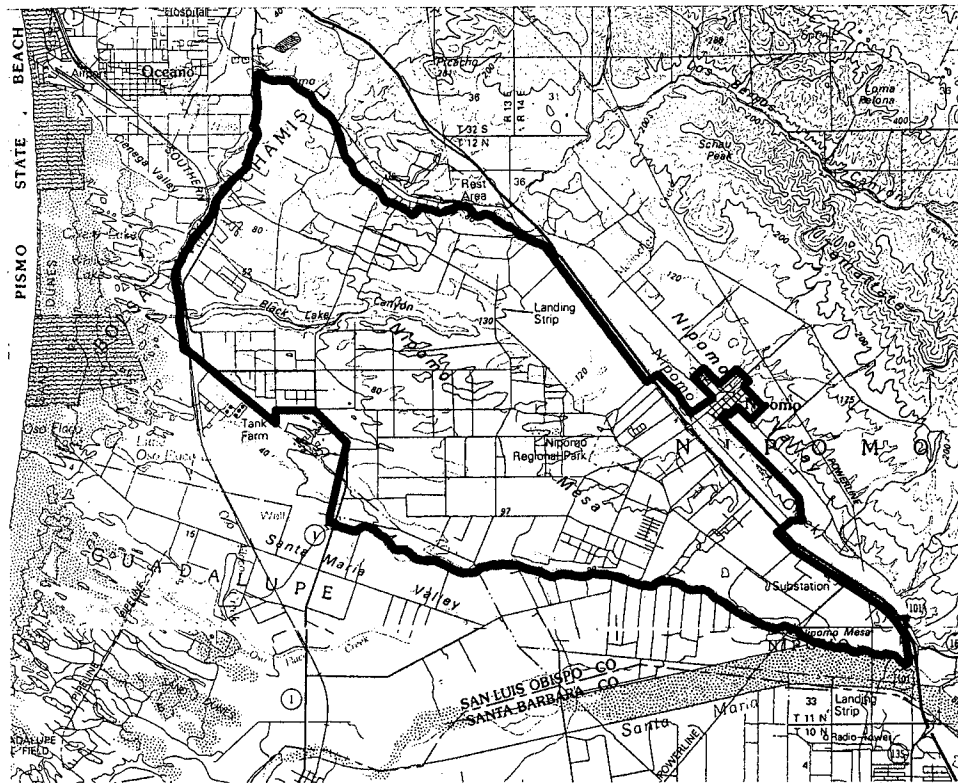


Figure 112-4 - Nipomo Mesa Water Conservation Area

- 1. General Plan Amendments and land divisions.** Applications for general plan amendments and land divisions in the Nipomo Mesa Water Conservation Area shall include documentation regarding estimated existing and proposed non-agricultural water demand for the land division or development that could occur with the General Plan Amendment. If this documentation indicates that the proposed non-agricultural water demand exceeds the demand without the requested amendment or land division, the application shall include provisions for supplemental water as follows:

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- a. **General Plan Amendments.** Where the estimated non-agricultural water demand resulting from the amendment would exceed the existing non-agricultural demand, the application shall not be approved unless supplemental water to off-set the proposed development's estimated increase in non-agricultural demand has been specifically allocated for the exclusive use of the development resulting from the general plan amendment, and is available for delivery to the Nipomo Mesa Water Conservation Area.
 - b. **Land Divisions.** Where the estimated non-agricultural water demand resulting from the land division would exceed the existing non-agricultural demand, a supplemental water development fee shall be paid for each dwelling unit or dwelling unit equivalent, at the time of building permit issuance, in the amount then currently imposed by county ordinance. If development resulting from the land division is subject to payment of supplemental water development fees to an entity other than San Luis Obispo County, the amount of these other fees shall be deducted from the County fee.
2. **Landscape standards.** The standards in Chapter 22.16 apply to the following projects within the Nipomo Mesa Water Conservation Area:
- a. **Public projects.** Projects completed by a public agency that require a land use permit.
 - b. **New non-residential projects.** All new projects within the Recreation, Office and Professional, Commercial Retail, Commercial Service, Industrial and Public Facilities land use categories.
 - c. **Developer-installed.**
 - (1) All developer-installed landscaping in all Residential land use categories within urban or village areas.
 - (2) All developer-installed landscaping in all land use categories outside of urban or village areas where the parcel is 5.0 acres or less.
 - d. **Homeowner-installed.** All homeowner-installed landscaping for any project for which a land use permit is required.
3. **Building Permits.** Building permits issued for construction in the Nipomo Mesa Water Conservation Area shall comply with Section 19.20.240.d.

SECTION 2. The project qualifies for a Categorical Exemption (Class 7) pursuant to CEQA Guidelines Section 15307 because the actions proposed will assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences,

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clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4. This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of

California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the _____ day of _____, 2006, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 2006, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

County Clerk and Ex-Officio Clerk of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: _____

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EXHIBIT LRP2005-00006:B

1. **Modify Chapter 3, South County Area Plan, Page 3-11, Service Programs by adding Program 6, Supplemental Water Development Fee, and renumbering subsequent programs, as follows:**

F. PLANNING AREA SERVICE PROGRAMS

Programs are non-mandatory actions or policies recommended by the Land Use Element to achieve community or areawide objectives identified in this area plan. The implementation of each LUE program is the responsibility of the community, through the county or other public agency identified in the program itself. Because programs (some of which include special studies) are recommended actions rather than mandatory requirements, implementation of any program by the county should be based on consideration of community needs and substantial community support for the program and its related cost.

The following public facilities, services and resource programs apply to the South County planning area and are grouped under general headings.

Special Districts

1. **Nipomo Community Services District (NCSD).** The Nipomo Community Services District should assume drainage control, fire protection, parks and recreation, street lighting and street tree maintenance to its responsibilities to provide more comprehensive urban services.
2. **County Service Area (CSA) No. 1.** CSA No. 1 should detach areas that receive sewer service from the NCSD, transferring them to the district, and the NCSD should assume responsibility for providing street lighting and storm drainage in those areas.
3. **Multi-Purpose Special District, Hutton Road Area.** LAFCo should work with area property owners to establish a multi-purpose district to supply water and provide septic tank maintenance service in the area of small non-conforming lots.
4. **Cemetery District.** The community should work with the Arroyo Grande Cemetery District to locate and develop a local cemetery, or it should seek to divide and create a south county cemetery district to create and manage a local site.

Water Resources

5. **Water Source Augmentation.** Water providing agencies should work towards programs to provide additional water for the planning area. Any use of the offshore aquifer should be accompanied by a contingency plan for preventing or correcting seawater intrusion.
6. **Supplemental Water Development Fee. The Planning Department, in coordination with the Public Works Department, should determine the amount of a fee to be paid by new development resulting from land divisions that would increase non-agricultural water demand within the Nipomo Mesa Water Conservation Area. Determination of the fee and adoption of an ordinance requiring payment of the fee should be consistent with the requirements of AB 1600.**

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- 6 7. Water Conservation.** The Public Works Department, with assistance from the Planning Department and local water purveyors, should establish a public education program on water conservation and water-conserving landscaping.
- 7 8. Groundwater Management.** South County water purveyors, cities, agencies, and individual users are encourage to work toward management of the groundwater resource. Agreements and funding should be sought by these entities to prepare an a groundwater study that will assist in identifying the appropriate management strategies.

A comprehensive study of the Santa Maria groundwater basin to be used for future planning purposes should identify the historical and potential impacts to the basin.

Water Systems

- 8 9. Water Service Plan.** Within the Nipomo urban area, the Nipomo Community Services District and Cal-Cities Water should prepare a water resource capacity study and water service plan for distribution of water to all properties within the urban reserve line.
- 9 10. Private Water Company Boundary.** Cal-Cities water should relocate their service boundary in Nipomo to be outside the Nipomo Community Services District's sphere of influence.
- 10 11. Community Water Systems.** In the Palo Mesa and Los Berros village areas and the Port Hartford Eucalyptus Tract, the county should work with existing small water providers and property owners to establish a community water system in appropriate areas.
- 11 12. Water Service Plan Coordination.** The Planning Department should provide Land Use Element plan information to private water companies to coordinate future service expansions with county policies.

Sewage Disposal

- 12 13. Wastewater Management Plan.** The county should work with the Regional Water Quality Control Board and other agencies to prepare a Wastewater Management Plan for portions of the Nipomo urban area that utilize septic systems. The plan should identify the cumulative impacts resulting from the continued use of on-site sewage disposal systems, determine the maximum population densities suitable for such areas and prescribe the appropriate minimum parcel sizes that will control ground water or surface water degradation.
- 13 14. Septic Systems Maintenance.** In areas intended to be served by septic tanks, the Planning and Health Departments should develop public information mailings and handouts about the proper care and maintenance of septic systems. The Nipomo Community Services District should establish and administer a septic system maintenance program in areas within its boundary not served by the community sewage system. (Amended 1986, Ord. 2270)

Drainage

- 14 15. Drainage Analysis.** The County Public Works and Planning Departments should work with the Nipomo Community Services District to prepare a communitywide drainage analysis for the Nipomo urban area to identify problem areas and recommend appropriate remedial action, including any necessary changes to the standards of the Land Use Element to implement measures to correct drainage problems.

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- 15 16. Maintenance of Drainage Channels.** The County Public Works Department should work with the community of Nipomo, area property owners and the Nipomo Community Services District to establish an agency for maintenance of natural drainage ponds or channels for recharge to the groundwater basin. After establishment, the agency should develop a maintenance program designed to prevent significant reduction of ponding capacities while maintaining natural channels in as natural a state as possible.

Solid Waste Disposal

- 16 17. Refuse Collection.** The Planning, Health and Public Works Departments should coordinate to select an appropriate site and program for a rural container station on Nipomo Mesa.
- 17 18. Waste Collection - Nipomo and Village Areas.** A mandatory waste collection service should be investigated in the Nipomo urban area and the village areas that offers recycling and low-cost service for low-volume users for bulk items, green waste and hazardous products. The Department of Planning and Building and the Health Department should investigate the need to require evidence of a contract for private waste collection before the issuance of building permits in village areas.

Police Protection

- 18 19. Sheriff Patrols/Substation.** The community should consider funding additional Sheriff patrols in the South County as well as funding a new substation in the Nipomo area.

Fire Protection

- 19 20. Urban Fire Jurisdiction.** The Nipomo Community Services District should assume responsibility for providing year-round urban fire protection services within the Nipomo Urban Reserve Line. A mutual aid agreement with the County Fire Department (CDF) should be reached for serving areas outside of the district also.
- 20 21. Social Services Planning.** The county Planning and General Services Departments should work with social service agencies to coordinate, plan and schedule the development of social services in Nipomo.
- 21 22. Government Services/Public Service Centers.** The Planning and General Service Departments should prepare a facility needs study of the specific, desirable public services, and their space requirements, that can be scheduled for locating in the identified government facilities locations, as part of the county capital improvement program.

Schools

- 22 23. School Facility Expansion.** The Planning Department should work with the Lucia Mar Unified School District to coordinate plans for siting and funding additional schools. The county staff's role as to funding has been described in the Schools section.
- 23 24. School Facility Siting** - The General Services and Planning Departments should work with the Lucia Mar Unified School District to complete a study and environmental determination by 1998 of the appropriate location for a high school.

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ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 19 OF THE SAN LUIS OBISPO COUNTY CODE, THE
CONSTRUCTION ORDINANCE, BY AMENDING SECTION 19.20.240 RELATING TO
WATER CONSERVATION ON THE NIPOMO MESA

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 19.20.240 of the Construction Ordinance, Title 19 of the San Luis Obispo County Code, is hereby amended as follows:

19.20.240 - Water Conservation Provisions. The requirements in this section shall apply to all new installations and, where specifically required, to existing structures.

- a. **Water fixtures.** Water fixtures shall comply with current requirements of the California Energy Commission and Department of Water Resources.
- b. **Existing structures.** In existing buildings, replacement water fixtures shall conform to the above requirements. In addition, all fixtures in an existing building shall be brought into conformance with these requirements when an alteration of that building meets either of the following criteria:
 - (1) A bathroom is added;
 - (2) The floor area is increased by twenty per cent (20%) or more.
- c. **Other requirements:**
 - (1) Spas, hot tubs, fountains and other decorative bodies of water shall be equipped with recirculating systems and shall be designed to operate without a continuous supply of water.
 - (2) Vehicle wash facilities shall have approved water reclamation systems which provide for reuse of a minimum of fifty percent (50%) of the wash water. Hoses, pipes, and faucets for manual application of water to vehicles at such facilities shall be equipped with positive shut-off valves designed to interrupt the flow of water in the absence of operator applied pressure.
 - (3) Water supply piping shall be installed so that each dwelling unit may be served by a separate water meter.
- d. **Nipomo Mesa Water Conservation Area.** In addition to the requirements in sections a, b and c above, the requirements in paragraphs (1) and (2) below shall apply to all new installations in the Nipomo Mesa Water Conservation Area shown in Figure 20-1.
 - (1) Sink faucets in all bathrooms and kitchens shall be equipped with automatic shut-off devices.
 - (2) Drip irrigation systems are required for all landscaped areas. The drip irrigation system shall include the following components: automatic rain shut-off device, soil moisture sensors, a separate meter for outdoor water and an operating manual to instruct the building occupant how to use and maintain the water conservation hardware.

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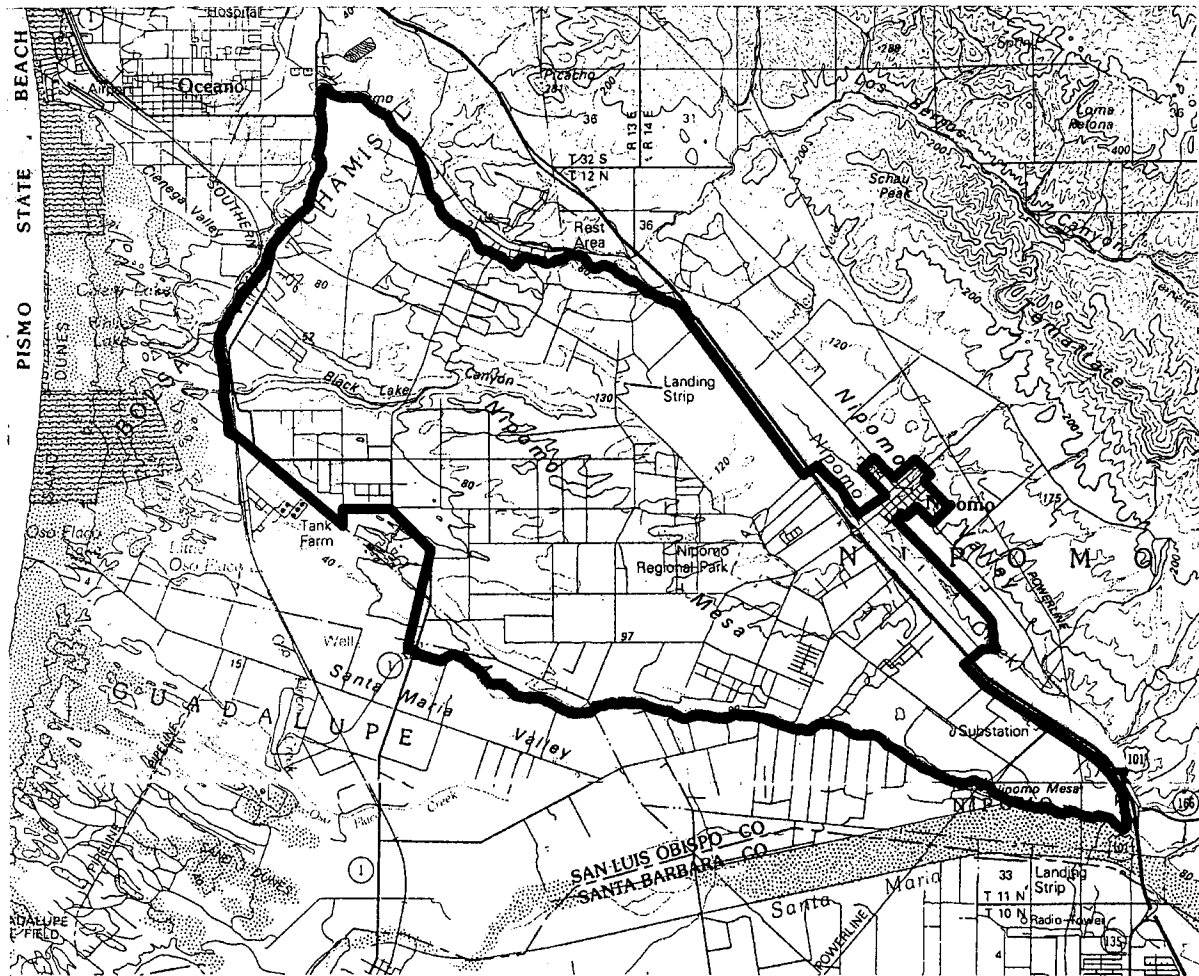


Figure 20-1 Nipomo Mesa Water Conservation Area

SECTION 2. The project qualifies for a Categorical Exemption (Class 7) pursuant to CEQA Guidelines Section 15307 because the actions proposed will assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

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INTRODUCED at a regular meeting of the Board of Supervisors held on the ____ day of _____, 2006, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 2006, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT: None

ABSTAINING: None

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: _____

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